# JOURNAL

of the

# HOUSE OF REPRESENTATIVES

of the

# GENERAL ASSEMBLY

of the

# COMMONWEALTH OF KENTUCKY

Regular Session of 1968

---

## Volume I

---

Held in the State Capitol in the Capital City of Frankfort, at
Frankfort, in the Year of Our Lord 1968 and
in the One Hundred and Seventy-Sixth
Year of the Commonwealth

---

Begun on the Second Day of January, 1968, and Adjourned
Sine Die on the Fifteenth Day of March, 1968

DUNNE PRESS
PRINTERS TO THE COMMONWEALTH OF KENTUCKY
LOUISVILLE, KENTUCKY

Edited and Published
by
The Staff of the
Kentucky Legislative Research Commission
Frankfort, Kentucky
July 15, 1968

# FOREWORD

The Constitution requires each house of the General Assembly to keep a Journal of its proceedings. The Journal is intended to assure a public account of legislative activity and constitutes the final official record of action by the General Assembly.

Under the provisions of Section 6.161, 6.162 and 57.151 of the *Kentucky Revised Statutes,* the Legislative Research Commission is responsible for comparing, editing, correcting, and publishing the Journals as approved by each house of the General Assembly. This volume represents the fulfillment of that obligation.

The text of a bill is spread in full when it receives a first reading. The roll call on passage of a bill is indicated upon its receipt of a third reading. Simple and concurrent resolutions are printed on first reading when applicable or when adopted, and joint resolutions are treated as bills. A table of actions on bills and resolutions is appended.

Mrs. Shan Stone Gray and Mrs. Jane Wetherby prepared the 1968 House Journal. The edited copy and index found in this volume reflect the cooperative efforts of the research section of the Commission's staff.

JAMES T. FLEMING
Director

Frankfort, Kentucky
July 15, 1968

# JOURNAL
OF THE
# HOUSE OF REPRESENTATIVES
OF THE
# COMMONWEALTH OF KENTUCKY

---

REGULAR SESSION, 1968

---

## TUESDAY, JANUARY 2, 1968
## FIRST LEGISLATIVE DAY

---

At a General Assembly of the Commonwealth of Kentucky, held at the Capitol in the City of Frankfort, and begun on January 2, 1968, the one hundred and seventy-sixth year of the Commonwealth, in accordance with the provisions of the Constitution, Mrs. Addie Stokley, Assistant Clerk of the 1966 House of Representatives, assumed the Chair and called the House to order.

Prayer by Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

Assistant Clerk Stokley read the following certificate from the Secretary of State:

Commonwealth of Kentucky
Franklin County

I, Elmer Begley, Secretary of State of the Commonwealth of Kentucky, do hereby certify that, according to the records in the office of the Secretary of State of the Commonwealth of Kentucky, and the best information obtainable, the attached is a true and correct list of the duly elected and qualified members of the General Assembly of the Commonwealth of Kentucky.

Given under my hand and seal of office this 2nd day of January, 1968.

ELMER BEGLEY
Secretary of State
Commonwealth of Kentucky

MEMBERS OF THE HOUSE OF REPRESENTATIVES
1968 KENTUCKY GENERAL ASSEMBLY

1. Ballard, Carlisle, Hickman, Fulton. Henry Maddox, Democrat, Hickman.
2. Graves. Lloyd Clapp, Democrat, Wingo.
3. McCracken. Julian M. Carroll, Democrat, West Paducah.
4. McCracken. Fred Morgan, Democrat, Paducah.
5. Calloway, Trigg. Charlie Lassiter, Democrat, Murray.
6. Marshall, Lyon, Caldwell. Shelby McCallum, Democrat, Benton.
7. Union, Crittenden, Livingston. J. Quentin Wesley, Republican, Sturgis.
8. Christian. John O. Hardin, III, Democrat, Hopkinsville.
9. Christian. James E. Bruce, Democrat, Hopkinsville.
10. Hopkins. William M. Cox, Democrat, Madisonville.
11. Henderson. John Stanley Hoffman, Democrat, Henderson.
12. Webster, McLean. Richard (Hoppy) Hopkins, Democrat, Calhoun.
13. Daviess. George H. Greer, Republican, Owensboro.
14. Daviess. Donald J. Blanford, Democrat, Philpot.
15. Muhlenburg. L. H. Richey, Republican, Bremen.
16. Todd, Logan. Hayes A. Hampton, Democrat, Trenton.
17. Butler, Ohio, Hancock. Theron Kessinger, Republican, Beaver Dam.
18. Breckinridge, Meade. H. W. (Wathen) Tobin, Democrat, Hardinsburg.
19. Grayson, Edmonson. Walter F. Davis, Republican, Brownsville.
20. Warren. George T. Massey, Jr., Democrat, Bowling Green.
21. Warren. Edward G. (Ed) Brown, Democrat, Bowling Green.
22. Simpson, Allen. T. C. Simmons, Republican, Scottsville.
23. Barren. Walter A. Baker, Republican, Glasgow.
24. Hart, Larue. R. K. Keith, Republican, Hodgenville.
25. Hardin. Jon Rickert, Democrat, Elizabethtown.
26. Hardin. Joseph W. Prather, Democrat, Vine Grove.
27. Monroe, Metcalfe. Carl H. Bowles, Republican, Tompkinsville.
28. Green, Adair. Frank C. Sartin, Republican, Greensburg.

29. Marion, Taylor. Herman W. Rattliff, Republican, Campbellsville.
30. Nelson Anderson. Joseph Bernard Keene, Democrat, Bardstown.
31. Bullitt, Spencer. Leo Bleemel, Democrat, Mt. Washington.
32. Jefferson. E. Bruce Blythe, Jr., Republican, Louisville.
33. Jefferson. Allen E. Russell, Republican, Louisville.
34. Jefferson. Louis E. Ballenger, Republican, Louisville.
35. Jefferson. Charles W. Vanover, Republican, Louisville.
36. Jefferson. Clarence R. (Dumps) Miller, Democrat, Louisville.
37. Jefferson. Robert L. Miller, Republican, Louisville.
38. Jefferson. Dexter S. Wright, Republican, Louisville.
39. Jefferson. Tom Ray, Democrat, Louisville.
40. Jefferson. George R. Siemens, Democrat, Louisville.
41. Jefferson. Mrs. Mae Street Kidd, Democrat, Louisville.
42. Jefferson. Hughes E. McGill, Democrat, Louisville.
43. Jefferson. Norbert Blume, Democrat, Louisville.
44. Jefferson. Charles J. Jones, Republican, Louisville.
45. Jefferson. Joseph H. Melton, Republican, Valley Station.
46. Jefferson. M. T. (Tommy) Riddle, Republican, Louisville.
47. Jefferson. Mrs. W. C. (Marge) Cruse, Republican, Louisville.
48. Jefferson. Eugene P. Stuart, Republican, Louisville.
49. Washington, Mercer. I. C. James, Democrat, Harrodsburg.
50. Boyle, Garrard. Howard P. Hunt, Jr., Democrat, Danville.
51. Madison. Dwight Wells, Democrat, Richmond.
52. Woodford, Jessamine. James T. Alexander, Democrat, Versailles.
53. Fayette. Foster Pettit, Democrat, Lexington.
54. Fayette. Graddy Johnson, Republican, Lexington.
55. Fayette. Don Ball, Republican, Lexington.
56. Fayette. Robert Paul Wooley, Republican, Lexington.
57. Franklin. William P. Curlin, Jr., Democrat, Frankfort.
58. Shelby, Henry. Ralph Mitchell, Democrat, Shelbyville.
59. Oldham, Trimble, Carroll. W. J. (Jay) Louden, Democrat, Carrollton.
60. Boone, Gallatin. Leo Lawson, Republican, Hebron.

61. Owen, Grant, Pendleton. Franklin Webster, Democrat, Williamstown.
62. Scott, Harrison. W. K. (Bill) Henry, Democrat, Georgetown.
63. Kenton. Kenneth F. Harper, Republican, Ft. Mitchell.
64. Kenton. Phillip E. King, Democrat, Covington.
65. Kenton. John J. Isler, Democrat, Covington.
66. Kenton. Carl Mershon, Democrat, Ludlow.
67. Campbell. James E. Murphy, Democrat, Newport.
68. Campbell. Carl A. Bamberger, Republican, Bellevue.
69. Campbell. Arthur L. Schmidt, Republican, Cold Spring.
70. Bracken, Mason. Mitchel B. Denham, Democrat, Maysville.
71. Robertson, Fleming, Rowan. Sherman R. Arnett, Democrat, Clearfield.
72. Bourbon, Nicholas. Brooks Hinkle, Democrat, Paris.
73. Clark, Powell. Charles T. (Tim) Walters, Democrat, Winchester.
74. Montgomery, Menifee, Bath. Mrs. Nell Guy McNamara, Democrat, Mt. Sterling.
75. Carter, Lewis. James A. (Jim) Davis, Republican, Grayson.
76. Greenup. W. Terry McBrayer, Democrat, Greenup.
77. Knott, Magoffin. Darvin Allen, Democrat, Royalton.
78. Lee, Wolfe, Breathitt. Russell Reynolds, Democrat, Jackson.
79. Jackson, Owsley, Estill. Lloyd McKinney, Republican, McKee.
80. Lincoln, Rockcastle. William H. DeMarcus, Republican, Stanford.
81. Casey, Russell, Cumberland. Orvin G. Coffey, Republican, Jamestown.
82. Wayne, Clinton, McCreary. Randolph Smith, Republican, Monticello.
83. Pulaski. Lavey Floyd, Republican, Pointer.
84. Whitley. Will K. Peace, Republican, Williamsburg.
85. Laurel. Gene Huff, Republican, London.
86. Knox. Buford Clark, Republican, Barbourville.
87. Bell. Harry M. Moe, Republican, Middlesboro.

88. Harlan. Lawrence Lankford, Democrat, Cawood.
89. Harlan. Needham Saylor, Democrat, Wallins.
90. Clay, Leslie. John E. White, Republican, Manchester.
91. Letcher. Enoch Oliver Holbrook, Mayking.
92. Perry. Ed Dawhare, Democrat, Hazard.
93. Pike. James (Jim C.) Justice, Democrat, Millard.
94. Pike. Gether Irick, Democrat, Stone.
95. Floyd. W. J. (Bill) Reynolds, Democrat, Allen.
96. Floyd. Everett Akers, Democrat, Martin.
97. Johnson, Martin. Mrs. Ruth Wolchik, Republican, Paintsville.
98. Morgan, Elliott, Lawrence. Woodford F. May, Democrat, Woodsbend.
99. Boyd. Ronald B. Halleck, Republican, Ashland.
100. Boyd. Charles D. Wheeler, Republican, Ashland.

The roll was called. All present except Representatives King and Lankford.

Representative Morgan moved that the Certificates of Election be confirmed. Agreed.

Said Representatives produced their certificates of election, appeared before the Presiding Officer and were administered their oaths of office by Judge Morris Montgomery of the Court of Appeals of Kentucky.

Representative Morgan read the nominations for the following House Officers:

| | |
|---|---|
| Speaker | Julian M. Carroll |
| Speaker Pro Tem | W. Terry McBrayer |

Representative Morgan read the nominations for the following House Constitutional Officers:

| | |
|---|---|
| Clerk | James E. Whitlock |
| Assistant Clerk | Addie Stokley |
| Enrolling Clerk | Ruth Layson |
| Sergeant-at-Arms | Stuart Kelly |

| | |
|---|---|
| Cloakroom Keepers | Lawrence Watts<br>Woodrow Holland |
| Janitor | Al Owens |
| Chief Doorkeeper | James Hahn |
| Pages | Paula Crafton<br>Larry Arnett<br>Alan Hunt<br>Walter Hopkins |

Representative Blume moved that the nominations cease. Agreed.

Representative Denham moved that the nominees be elected by acclamation. Agreed.

The Clerk appointed a Committee composed of Representatives Hunt, Blume, Curlin and Morgan to escort the Speaker to the Chair.

The Speaker was escorted to the Chair.

The oath of office was administered by Judge Morris Montgomery of the Court of Appeals of Kentucky.

Speaker Carroll assumed the Chair.

Judge Morris Montgomery of the Court of Appeals of Kentucky administered the oath of office to the Constitutional Officers.

Prayer by Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives King and Lankford.

Representative Morgan moved that absent members be granted leave of absence. Agreed.

## Motions, Petitions, and Communications

**HR 1,** by Representative Morgan: A RESOLUTION relat-

ing to extending an invitation to the pastors of Frankfort churches to open sessions of the House with prayer.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Sergeant-at-Arms be directed to invite the pastors of the various churches to attend the meetings of this Senate and open the sessions thereof with prayer.

Representative Morgan moved the adoption of **HR 1.** Agreed.

**HR 2,** by Representatives Isler, Schmidt, Lawson, Mershon, Harper, Murphy, Bamberger, McBrayer, Hoffman, Hunt and Webster: A RESOLUTION providing that adjournment of the House on January 2, 1968, is in memory of Hubert E. King.

WHEREAS, Hubert E. King died on Friday, December 29, 1967; and

WHEREAS, Hubert E. King was an outstanding Kentuckian and a man of whom all of the citizens of the Commonwealth of Kentucky could be very proud; and

WHEREAS, Hubert E. King served in the Canadian Air Force and the United States Air Force during World War II; and

WHEREAS, we are deeply grieved at the passing of this fine gentleman;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives of the General Assembly of the Commonwealth of Kentucky adjourns on January 2, 1968, it is doing so in memory of Hubert E. King, the brother of Phillip King.

Representative Isler moved the adoption of **HR 2.** Agreed.

**HR 3,** by Representative Morgan: A RESOLUTION authorizing appointment of a committee of the House to wait upon the Senate and the Governor.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall, in conjunction with a like committee from the Senate, wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communications he may desire to deliver.

Representative Morgan moved the adoption of **HR 3.** Agreed.

**HR 5,** by Representative Morgan: A RESOLUTION adopting permanent rules to govern the 1968 Regular Session of the House of Representatives.

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the following rules are adopted as the permanent rules to govern the House of Representatives during the 1968 session of the General Assembly, superseding the rules under which the House of Representatives has operated.

## SESSIONS OF THE HOUSE

**Rule 1. Hours of Meeting.** The House shall meet at 1:00 p.m., Eastern Standard Time, except on Monday when it shall meet at 3:00 p.m., Eastern Standard Time. The official time shall be governed by the clock over the main entrance to the House Chamber.

**Rule 2. Quorum.** A majority of the members elected to the House shall constitute a quorum. If a quorum is not present at the time fixed for a meeting of the House, five members may adjourn or recess from day to day or from time to time and fifteen members may order a call of the House and send for absent members.

**Rule 3. Call of the House.** Upon a call of the House, the Clerk shall call the roll, then call the absentees again. The doors of the House Chamber shall then be closed and the absentees

not excused by the House may be sent for and arrested by the Sergeant-at-Arms and the House shall determine upon what conditions they shall be discharged from arrest. Members who voluntarily appear shall be immediately admitted to the floor of the House and their names entered upon the Journal as present, unless the House otherwise directs.

## ORDER OF BUSINESS

**Rule 4. Order of Business.** The order of business shall be as follows:

1. Invocation.
2. Roll Call.
3. Reading and Approval of the Journal.
4. Introduction and Reading of New Bills and Resolutions Introduced by Title and Sponsor.
5. Report of Reference of Bills to Committees.
6. Report of Committees.
7. First Reading of Bills.
8. Second Reading of Bills.
9. Motions, Petitions, and Communications.
10. Orders of the Day.
11. Announcements.
12. Adjournment.

No more than thirty minutes shall be allotted to Motions, Petitions, and Communications.

**Rule 5. Unfinished Business.** Unfinished business which was being considered upon adjournment shall have precedence in the class of business to which it properly belongs upon the next succeeding legislative day.

## MOTIONS

**Rule 6. Reading of Motions.** When a motion has been made and seconded, it shall be stated by the Speaker or, being in written form, it shall be read by the Clerk before debate, amendment or motion concerning it shall be in order.

**Rule 7. Withdrawal of Motions.** Every oral motion after it has been stated by the Speaker, and every written motion, bill,

resolution or other paper, after it has been read by the Clerk, shall be the property and in the possession of the House, and shall not be withdrawn without consent of the House. Every written motion, report or measure may be committed or recommitted at the pleasure of the House.

**Rule 8. Order of Questions.** All questions, whether in Committee of the Whole or in the House, when not privileged questions, shall be propounded in the order in which they were moved, except that in filling blanks the smallest sum and the most remote date shall be put first.

**Rule 9. Precedence of Motions.** When a question is under consideration, no motion shall be in order except:

1. To call the House when there is no quorum present.
2. To fix the time to which the House shall adjourn.
3. To adjourn.
4. To take recess.
5. To lay on the table.
6. For the previous question.
7. To limit or extend limits of debate.
8. To postpone to a fixed time.
9. To lay on the Clerk's desk.
10. To refer or commit.
11. To amend.
12. To postpone indefinitely.

The above several motions shall have precedence in the order in which they are arranged and the first seven of them shall not be debatable.

A second motion to adjourn, to take a recess, to lay on the table, for the previous question, to limit or extend limits of debate, to postpone to a time certain, to lay on the Clerk's desk, to refer or commit or to postpone indefinitely shall not be in order on the same day, upon the same question, and at the same status unless other business intervenes; provided, however, that amendments may be made to the time to which it is proposed to adjourn, to take a recess or to postpone to a fixed time.

**Rule 10. Motion to Adjourn.** A motion to adjourn, to take a recess, or a motion to adjourn to a time certain, shall always

be in order, except when a member is speaking, while a vote is being taken or when the Committee on Committees is reporting; subject, however, to the limitations set out in Rule 9. A motion to adjourn, or a motion to adjourn to a time certain, shall be taken by roll-call vote.

**Rule 11. Motion to Table.** The adoption of a motion to table, under these rules, defeats the subject matter under consideration.

**Rule 12. Previous Question.** When the previous question has been ordered, a vote shall be taken immediately upon the pending measure and such pending amendments as are in order. The effect of the previous question shall be to put an end to all debate; to prevent the offering of additional amendments and to bring the House to an immediate vote upon the measure and amendments aforesaid. The previous question may be ordered by a majority of the members elected. On the call of the roll, no member shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered, and before the vote upon the main question, the opponents of the measure shall have ten minutes, and proponents of the measure shall have ten minutes.

**Rule 13. Motion to Set the Limits of Debate.** A motion to set a time limit for debate on a measure, in excess of that permitted under Rule 12, shall be in order unless the previous question shall have been ordered on the measure. The time limit set for debate under this rule shall be allotted by the Speaker evenly between the opponents of the measure and the proponents of the measure. Adoption of a motion under this rule does not prevent the offering of additional amendments.

**Rule 14. Motion to Reconsider.** A motion to reconsider a vote shall not be in order unless made by a member who voted upon the prevailing side of the question; nor shall such motion be in order unless made within two legislative days in which the House is in session next after the day the vote was taken; however, the motion to reconsider when coupled with the additional motion to lay that motion upon the table may be made by any member.

**Rule 15. Motion to Lay on Clerk's Desk.** The effect of the adoption of a motion to lay on the Clerk's desk under these rules is to place in charge of the Clerk the pending question and everything adhering to it. A motion laid on the Clerk's desk may be taken from the desk and proceeded with at any time in the same order as when laid on the Clerk's desk.

**Rule 16. Motion to Strike Out Enacting Clause.** A motion to amend by striking out the enacting words of a bill or resolution shall have precedence over a motion to amend; and, if adopted, shall have the same effect as though the bill or resolution were regularly voted upon and rejected.

**Rule 17. Motion to Separate Part of a Measure.** A motion to commit, recommit, or postpone a part of a measure so as to separate that part of the measure from the remainder shall not be in order.

**Rule 18. Postponement of Measure.** When a measure shall have been postponed indefinitely it shall not be in order again during the session.

**Rule 19. Reading of Pending Papers.** Any pending bill, resolution, motion or report shall be read by the Clerk upon the demand of any member, but it shall not again be read on the same day unless so ordered by the House.

**Rule 20. Nominations.** In all elections a previous nomination shall be made.

## MEMBERS

**Rule 21. Attendance of Members.** No member shall absent himself from a session of the House without leave from the House.

**Rule 22. Decorum of Members.** No member shall designate another member by name.

**Rule 23. Call to Order.** If any member, in speech or otherwise, transgress the rules of order or decorum, he shall immediately be called to order by the Chair and shall take his seat. The Clerk shall reduce the objectionable words to writing and read them to the House. After hearing a short explanation from

the member called to order, or upon the withdrawal of the objectionable language, the Speaker may permit the member to proceed, or may compel silence upon him until the matter is disposed of. The ruling of the Chair shall be subject to an appeal to the House. A member offending the House shall be liable to censure.

**Rule 24. Debate.** No member may speak more than once to the same subject until all members desiring to be heard have spoken, but nothing in this rule shall do away with the previous question if then in effect, nor permit debate on an undebatable motion.

No member shall speak more than thirty minutes in the aggregate on any question or measure, at the end of which period, or any portion thereof, the floor shall be returned to the Speaker.

**Rule 25. Members Shall Vote at Seats.** A member shall vote only when at his seat or visibly approaching it.

## OFFICERS AND EMPLOYEES

**Rule 26. Duties of Speaker.** The Speaker shall take the Chair every day precisely at the hour fixed for the meeting of the House, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read, unless the reading of the same is dispensed with by the House.

The Speaker shall preserve decorum and order and, in the event of any disorder in the gallery or in the House Chamber, may cause the same to be cleared of any persons creating disturbances or disorders.

All writs, warrants, subpoenas or other processes shall be signed by the officer who may be presiding over the House when the paper is issued; and his signature shall be attested by the Clerk, when ordered by a majority of the members.

**Rule 27. Appeal from Decision of Chair.** The Speaker while presiding may speak to points of order in preference to members. He shall decide points of order and manner of procedure. If two or more members arise from their respective seats

and address the Chair, the Speaker shall determine who was first and recognize him.

Any decision made by the Speaker shall be subject to appeal to the House. Every such appeal shall be in writing and signed by at least two members. During the pendency of an appeal to the House from a decision of the Chair, the Speaker shall vacate the Chair and call the Speaker Pro Tempore to preside. When the Speaker Pro Tempore is presiding on an appeal to the House from a decision of the Chair, no motion or business shall be in order except the motion on appeal from the decision of the Chair, and that motion shall not be debatable.

**Rule 28. Speaker Pro Tempore.** The House shall elect a Speaker Pro Tempore. The Speaker Pro Tempore shall perform the duties of the Speaker when the Speaker is absent from the House or when empowered by the Speaker to perform the duties of the Chair.

**Rule 29. Duties of Clerk.** The Clerk shall have charge of all the clerical business of the House. He shall have charge of the Clerk's section of the House Chamber and shall see that no one is permitted therein except himself, those assisting him, and members.

The Clerk shall read to the House papers ordered to be read; call the roll and note and report the absentees when a call of the House is ordered; call the roll and note the answers of members when a question is taken by yeas and nays; assist the Speaker in taking the count when any vote of the House is taken; notify committees of their appointment and business referred to them; attest all writs, warrants and subpoenas issued by order of the House; keep a Calendar showing such bills as are entitled to their second reading each day, distinguishing between House and Senate bills; superintend the engrossing and enrolling of bills; certify to the passage of all bills and to the adoption of all joint and concurrent resolutions by the General Assembly; and make all reports to the Senate, unless otherwise ordered.

**Rule 30. Journal of Proceedings.** The Clerk shall cause to be kept the Journal of the proceedings of the House. The Clerk

shall note upon the Journal all questions of order, together with the disposition of same, and the dates upon which all bills and resolutions were sent to committee and returned to the House. The House may correct errors in the Journal the day the Journal containing errors is presented to the House. No record which is in the hands of the Clerk and is required by law to be entered upon the Journal of the House shall be copied by any person until same shall have been entered upon the Journal and said Journal shall have been approved.

Half an hour before the time fixed for the meeting of the House each day, the Clerk or one of his assistants shall be present at the Clerk's desk with the Journal of the preceding session for inspection of any member of the House.

The Clerk shall transmit the Journal for each day as soon as it has been approved by the House to the Legislative Research Commission, which shall deliver it to the public printer. The Commission staff shall proofread and index the Journal upon return from the printer and make necessary typographical corrections.

**Rule 31. Custody of Papers.** The Clerk shall have custody of all records, papers and bills of the House and shall not allow them to be taken out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they have been referred, or to the Legislative Research Commission, as specified in these Rules, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convnient files for reference.

**Rule 32. Accounts of Expenditures.** The Legislative Research Commission shall keep the accounts for pay and mileage of members, officers and attaches, and for printing and other contingent expenses of the House and Senate.

**Rule 33. Printing of House Papers.** The Legislative Research Commission shall have supervision and charge of all printing done for the House as certified by the Clerk and the public printer shall print only such documents and other matter as the Legislative Research Commission authorizes. The clerk

shall report to the Speaker every failure to execute printing work correctly and promptly.

**Rule 34. Duties of the Sergeant-at-Arms.** It shall be the duty of the Sergeant-at-Arms and the Doorkeeper to exclude or remove all persons not entitled to the floor of the House. Thirty minutes before convening of the House each day the Sergeant-at-Arms shall announce in a loud, distinct voice: "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel all persons who are not entitled to remain therein to leave the House Chamber and shall prohibit their entry until thirty minutes after the House has adjourned.

**Rule 35. Conduct of Employees.** All the constitutional employees of the House, shall, one hour before the meeting of the House each day, report to the Clerk, who shall report to the Committee on Committees whether or not all of said employees are on duty. The Committee on Committees, whenever it deems it necessary, shall report to the House any dereliction of duty.

**Rule 36. Other Employees.** All other professional, clerical and other services required by the House or its committees shall be furnished by the Legislative Research Commission, upon the request of the Committee on Committees. Employees performing such services shall be under the supervision of the Committee on Committees.

No officer or employee of the House shall receive any fee, tip or compensation from any member and violation of this rule shall be ground for dismissal.

## COMMITTEES

**Rule 37. Committee on Committees.** There shall be a Committee on Committees composed of the Speaker of the House, the Speaker Pro Tempore, the Majority Caucus Chairman, the Majority Floor Leader of the House, and the Majority Party Whip. The Majority Party Whip shall be chosen from the membership of the Legislative Audit Committee. The Speaker shall be Chairman of the Committee and the majority of said Committee shall have full power to act on all matters referred

to said Committee, either by these rules or by the action of the House. All bills and resolutions, either joint or concurrent, shall upon their introduction, be automatically referred to the Committee on Committees who shall refer same to the proper Committee not later than the second day in which the House is in session after the date of introduction.

The Committee on Committees shall have supervision and control over all employees of the House, whether elected by the House or provided by the Legislative Research Commission, and the Committee on Committees shall see that they perform all of their duties to the House and the members thereof. The Committee on Committees is empowered to discharge any or all said employees and officers except the constitutional officers of the House. The Committee on Committees shall appoint the members of all standing and special committees and shall fill any vacancies thereon in accordance with Rule 39.

**Rule 38. Standing Committees.** The following shall be the standing committees of the House.

1. Agriculture and Natural Resources
2. Appropriations and Revenue
3. Banking and Insurance
4. Business Organizations and Professions
5. Cities
6. Counties and Special Districts
7. Education
8. Elections and Constitutional Amendments
9. Health and Welfare
10. Highways and Traffic Safety
11. Judiciary
12. Labor and Industry
13. Public Utilities and Transportation
14. State Government

The standing committees of the House shall operate for the duration of a regular session and throughout any special session. On sine die adjournment of the General Assembly, the standing committees of the House shall be constituted subcommittees of the Legislative Research Commission pursuant to KRS Chapter 7.

**Rule 39. Appointment of Committees.** The Committee on Committees shall appoint the Chairman, Vice Chairman and the members of all standing and special committees and shall fill any vacancies thereon. A member of the Committee on Committees shall not serve as chairman of a standing committee. The Committee on Committees shall select members of each standing and special committee in proportion to the representation of each political party in the House. The Vice Chairman shall act in the absence of the Chairman. The Chairman of any committee may appoint subcommittees to conduct hearings or study any matters which have been referred to the committee.

Before the Committee on Committees shall appoint the members of standing and special committees the number of members on the committee to be appointed shall be announced to the House at the same time, the Committee on Committees shall announce the number of members of the committee to be appointed from the majority party and the number of members to be appointed from the minority party. The majority party membership of the Rules Committee shall select and appoint the majority party members of each committee and the minority party membership of the Rules Committee shall select and appoint the minority party members of each committee.

The Committee on Committees shall not appoint more than seventeen (17) members to any one standing committee. Every member of the House shall be appointed to at least two standing committees and no member shall be appointed to more than three standing committees.

**Rule 40. Jurisdiction of Standing Committees.** The Committee on Committees shall refer each bill to the Committee with control over that subject matter. All bills and resolutions on the same subject matter shall be referred to the same committee. The general jurisdiction of the several standing committees shall be:

1. **Agriculture and Natural Resources:** matters pertaining to crop, livestock, poultry and their marketing, disease control and warehousing; tobacco; stockyards; agricultural cooperatives and marketing associations; agriculture weights and measures; veterinarians; forestry; mining; fish and wildlife resources; soil

and water conservation; flood control and water usage; drainage and irrigation; geology and water resources; waterways and dams; oil, gas and salt water wells; state and national parks; the state fair; county fairs.

2. **Appropriations and Revenue:** matters pertaining to the executive budget and other appropriations of state monies; the levying of state and local taxes, including school taxes; property tax rates and assessments; the state debt; revenue bond projects; veterans bonus; claims upon the treasury; accounting of state funds by local officers; audits for state purposes; budget and financial administration; payment, collection and refund of taxes.

3. **Banking and Insurance:** matters pertaining to banking, banks and trust companies; petty loan companies; building and loan associations; credit unions; investment companies; industrial loan corporations; securities; the blue sky law; mortgage guaranty insurance; assessment and cooperative insurance; fraternal benefit societies; hospital service corporations; burial associations; medical and dental service corporations; life, accident, indemnity and other forms of insurance; stock and mutual insurance companies; banking and insurance aspects of the uniform commercial code; interest and usury; pawnbrokers; private credit; consumer credit; sale of checks; installment sales contracts; legal investments; principal and income.

4. **Business Organizations and Professions:** matters pertaining to professional licensing not assigned specifically to another committee; chambers of commerce; business development corporations; racing; prize fighting and wrestling; places of entertainment; laundry and dry cleaning; alcoholic beverage control; private corporations; cooperative corporations and marketing associations; religious, charitable and educational societies; nonprofit corporations; professional service corporations; cemeteries; barbers and cosmetologists; professional engineers and land surveyors; architects; real estate brokers and salesmen; public accountants; watchmakers; detection of deception examiners; auctioneers; business schools; the business regulation aspects of the uniform commercial code; warehouses and warehousemen; partnerships; trade practices.

5. **Cities:** matters pertaining to the officers, organization,

government and financing of city government; special purpose assessment and taxing districts within a city; incorporation and classification of cities; city revenue bond projects; the imposition of duties and costs on cities; city taxes and licenses; city indebtedness; compensation of city officers; metropolitan sewer districts; interlocal government cooperation; housing projects; urban renewal redevelopment; city streets and sidewalks; sewers; annexation of territory; consolidation of local government services; forms of city government; city civil service; city finances and revenue, public works; police and fire departments and their retirement systems; municipal utilities and waterworks; parks and playgrounds; planning and zoning; acquisition of waterworks and water districts by cities; financing of municipal improvements; urban service districts; police court and city attorney; city libraries.

6. **Counties and Special Districts:** matters pertaining to the officers, organization, government and financing of county governments; county imposed taxes and licenses; county and special district debt; the imposition of duties and costs on counties; special districts not assigned to another committee; the powers, duties and composition of fiscal court; compensation of county officers and employees; the offices of county judge, magistrates, county attorney, sheriff, constable, county police, jailer, coroner, surveyor, county clerk, county employees civil service and retirement; planning and zoning; interlocal cooperation and consolidation of services; county roads; public road districts; water districts; fire protection districts; drainage districts and local flood control and water usage; issuance of bonds for county and special district projects; metropolitan sewer and sanitation districts; local air pollution control districts; county and county law libraries; library districts.

7. **Education:** matters pertaining to public primary, secondary and higher education; the state board of education; the state department of education; the powers and duties of local boards of education; conduct of schools; attendance; state support of education; the operation of school districts; teachers' qualifications and tenure; the school curriculum; teachers' retirement; school employees; pupil transportation; school property and buildings; vocational education and rehabilitation; state

universities and colleges; community colleges; municipal universities and colleges; regional education; education of the physically handicapped; educational television.

8. **Elections and Constitutional Amendments:** matters pertaining to the proposing of constitutional amendments and the calling of a constitutional convention; ratification of amendments to the United States Constitution; legislative and congressional districts; the election of officers to state, local and school board positions; election commissioners, officers and precincts; qualifications, registration and purgation of voters; conduct of regular elections; primary elections; presidential and congressional elections; special elections to fill vacancies; contest of elections; corrupt practices and election financing; election offenses and prosecutions; voting machines; absentee ballots.

9. **Health and Welfare:** matters pertaining to health and welfare in cities; fire prevention and protection; support of dependents; probation and parole; garbage and refuse disposal; public assistance; corrections; penitentiaries; child welfare; adoptions; mothers aid and assistance to children; children's homes; incompetents; poor persons and poor houses; confederate pensions; aid to needy blind; commitment and care of children; mental health; health, medical and dental scholarships; local health units and officers; vital statistics; communicable diseases; tuberculosis hospitals; hospitals, clinics and personal care homes; foods, drugs and poison; hotel, restaurants and trailer park regulations; sanitation plants; sanitation districts; frozen food locker plants; alcoholism; water pollution; air pollution; physicians, osteopaths and podiatrists; chiropractors; dentist and dental specialists; registered nurses and practical nurses; pharmacists; embalmers and funeral directors; clinical psychologists; optometrists, opthalmic dispensers; physical therapists.

10. **Highways and Traffic Safety:** matters pertaining to the construction and maintenance of the state highway system; the department of highways; state aid for local roads and streets; the state police; the federal highway safety law; turnpike authority; state and federal highways; limited-access facilities; use of road bond monies; billboards; junkyards; highway beautification;

bridges, tunnels and ferries; traffic regulations; vehicle equipment and storage; driver training schools.

11. **Judiciary:** matters pertaining to the Court of Appeals, circuit courts, county and probate courts, quarterly courts, justices of the peace courts, and police courts; jurisdiction, rules, terms, judges, commissioners, selection, districts, qualifications, compensation and retirement; clerks of courts; juries; attorneys; commissioners and receivers; court reporters; contracts; debtor-creditor relations; ownership and conveyance of property; administration of trusts and estates of persons under disability; descent, wills and administration of decedents' estates; domestic relations; juvenile courts and support of dependents; statutory actions and limitations; eminent domain; arbitration; summary proceedings; declaratory judgments; habeas corpus; witnesses; evidence; legal notices; crimes and punishments; construction of statutes; civil and criminal procedures; civil rights.

12. **Labor and Industry:** matters pertaining to commerce not specifically assigned to another committee; industrial financing and development; labor unions; collective bargaining; liquefied petroleum gas and other flammable liquids; hotels; electricians; plumbers and plumbing; wages and hours; garnishments; safety and health of employees; child labor; employment agencies; apprenticeship; unemployment compensation; workmen's compensation; consumer protection; industrial weights and measures.

13. **Public Utilities and Transportation:** matters pertaining to privately owned public utilities; rates, permits, certification of convenience and necessity; water district rates; utilities in cities; public utility cooperatives; airports and aviation; boats and boating; licensing of motor vehicles, operators and trailers; financial responsibility law; nonresident motorists; motor vehicle sales; railroad rates, service, and operating regulations; telephone companies and cooperatives; electric and gas utilities and cooperatives; oil and gas transmission companies; motor carriers.

14. **State Government:** matters pertaining to the sovereigny and jurisdiction of the Commonwealth; the general assembly, its committees, officers and service agencies; the governor; the lieutenant governor; intergovernmental cooperation;

relations with the federal government; administrative organization; administrative regulations; statutory administrative agencies; department of law; secretary of state; state personnel; state retirement systems; military affairs and civil defense; public property and public printing; public officers, their terms, appointments, fees, compensation, removal, oaths and bonds; public information; state and regional planning; the arts; the libraries; archives and records; public corporations; Commonwealth attorney; circuit clerk.

**Rule 41. Rules Committee.** There shall be a Rules Committee composed of the Speaker of the House, the Speaker Pro Tempore, the Majority Floor Leader, the Majority Caucus Chairman, the Majority Party Whip, the Minority Floor Leader, the Minority Caucus Chairman, and the Minority Party Whip. All bills and resolutions having been reported out of the commitee to which referred and having received their second reading shall be referred to the Rules Committee. No measure shall be posted in the Orders of the Day for final passage except by order of the Rules Committee unless otherwise ordered posted for the next succeeding legislative day by a majority of the members voting. The Rules Committee shall arrange the Orders of the Day so that all measures shall appear thereon for the consideration of the House, but the Rules Committee may not place in the Orders of the Day any bill or other measure in the possession of a standing or special committee of the House. The Rules Committee, prior to each day's session, shall post a notice in a regular place in the House Chamber listing the bills to be considered that day in the Orders of the Day. Should the House not complete any day's Orders of the Day, the bills and resolutions remaining unconsidered shall go to the top of the Orders of the Day on the next day that Orders of the Day are considered.

The Speaker of the House shall act as Chairman of the Rules Committee. The Majority Floor Leader of the House shall act for the Rules Committee in calling from the Orders of the Day any bills or resolutions and shall be recognized by the Speaker for said purpose during all times that the Rules Committee is in charge of posting the Orders of the Day. The Speaker Pro Tempore shall act as chairman in the absence of the Speaker.

**Rule 42. Enrollment Committee.** The Committee on Committees shall appoint an Enrollment Committee of not more than seven members. The Enrollment Committee shall be responsible for the engrossment and enrollment of bills and resolutions under the Rules of this House.

**Rule 43. Committee on Conference.** When a House bill has been amended in the Senate and the House refuses to concur in said amendment, or when a Senate bill has been amended in the House and the Senate refuses to concur in said amendment and when neither will recede from such action, the Committee on Committees shall appoint a Committee on Conference to meet a like committee from the Senate. The Committee on Conference shall confer with the Senate Committee and report back to the House within a reasonable time, in the same manner as reports are made for House bills. The conference report shall be voted upon, and if adopted the bill shall immediately be put upon its final passage.

**Rule 44. Meetings of Committees.** No committee except the Committee on Committees, the Committee on Enrollment and a Committee on Conference between the House and Senate shall sit while the House is in session, unless by consent of the House. The Committee on Committees and Committee on Enrollment may report at any time except during roll call or while a vote is being taken.

The Committee on Committees, in conference with committee chairmen, shall schedule a definite time and place for the regular weekly meetings of each committee, such schedule to be posted in the House Chamber and published in the Legislative Record. A committee shall meet at the regular weekly scheduled time and place so long as business is pending before the committee. Nothing herein shall prevent the Chairman or a majority of any committee from calling a special meeting in addition to those regularly scheduled.

The Chairman shall keep a record of the attendance of members at meetings, which record shall be filed with the Clerk.

The Director of the Legislative Research Commission, under the direction of the Committee on Committees, shall assign a

secretary to each committee and provide any professional, clerical or other employees required by any committee.

The Committee on Committees shall meet on call of the Speaker or on call of a majority of the members of the Committee on Committees.

**Rule 45. Committee Reports.** Every committee shall report the disposition of every bill and resolution referred to it as promptly as possible. Upon the call of standing committees, the Clerk or the Chairman or ranking member of the committee may report the bill in the following manner:

"With the expression of opinion that the same should pass," or

"With the expression of opinion that the same should pass, with the committee amendment attached thereto," or

"With the expression of opinion that the same should pass, with the committee substitute attached thereto," or

"With the expression of opinion that the same should not pass," or

"Without expression of opinion."

**Rule 46. Majority and Minority Reports.** It shall require a majority of the committee membership to report a bill. Those members of the committee voting to report a bill must sign the committee report and the committee report shall only be signed in the committee room and while the committee is in session.

A committee report may be accompanied by a minority report, signed by those members who have dissented from the committee's report, and it shall be in order to move the adoption of the minority report as a substitute for the committee's report when the committee offers its report. It shall require a majority of the members elected to adopt the minority report. The committee's report shall always be read before the minority report is read.

**Rule 47. Failure to Report.** Whenever a committee fails or refuses to report within a reasonable time a bill submitted to it, the same may be called up by any member and considered

as if it had been regularly reported if a majority of members elected to the House concur therein.

**Rule 48. Procedure in Committee.** The rules of procedure in the House shall be observed in committee insofar as the same are applicable.

## BILLS AND RESOLUTIONS

**Rule 49. Form of Bills.** All bills shall be typewritten, with one original and four distinctly legible copies. The original shall be the official bill, and shall be retained by the Clerk for the use of the House until engrossed and sent to the Senate. One copy shall be used by committees; one copy shall be for the use of the press and shall be given to a person designated by the press club; and two copies shall be given to the Legislative Research Commission. Each copy shall be backed with a protective cover, as provided for this purpose by the Legislative Research Commission. The title of the bill, or a portion thereof, and the signature of the member introducing the bill shall be placed on each cover.

In all bills introduced, which seek to amend existing sections of the Kentucky Revised Statutes, any new matter contained therein shall be underscored, and when printed the matter so underscored shall be printed in italics; and when an amendment is made by the omission or elimination of matter in an existing law, the author shall indicate such omission by placing the material proposed to be eliminated in brackets, and the printer shall insert such brackets on the printed copy. The Committee on Committees shall refer to the Legislative Research Commission any bills not conforming with this format for revision as to form. The Enrolling Clerk in enrolling a bill which contains deleted material appearing in brackets shall strike over such deleted matter.

**Rule 50. Introduction of Bills.** Bills and resolutions may be introduced by filing them in the Clerk's office at any time that his office is open. Bills and resolutions introduced by filing them in the Clerk's office after the House has concluded Item 4, in Rule 4, Order of Business shall be considered as having been introduced the next succeeding legislative day. The Clerk

shall number bills in the order received, record their introdution, and transmit a copy immediately to the Committee on Committees for reference to committee.

**Rule 51. Reference of Bills.** The Committee on Committees shall refer all bills to the proper standing committee not later than the second day in which the House is in session after the date of introduction. When a House bill has been amended in the Senate and has been returned to the House for concurrence in the amendment, it may be referred to a committee in the same manner as original bills are referred. Bills originating in and passed by the Senate when reported to the House shall be referred to the Committee on Committees and shall take the same course as other bills.

**Rule 52. Printing of Bills.** Upon receipt of a bill, the Legislative Research Commission shall examine the form of the bill to ensure that it is free from errors of form or typography. If a formal change is necessary the Commission shall request the sponsor of the bill to sign a form approving the specified changes. If a bill is found to be correct, or corrections have been approved, the Commission shall authorize its printing.

The Legislative Research Commission shall have printed at least two hundred copies of each bill or resolution carrying the force and effect of law introduced in the House and of each bill or resolution carrying the force and effect of law acted on by the Senate and reported to the House. Bills shall be printed in the order in which they are introduced and shall be distributed to members immediately upon receipt from the printer.

**Rule 53. Readings of Bills.** If a bill be reported with the expression of opinion that it should not pass, or without expression of opinion, a vote may then be taken on whether it shall be read at length and be placed on the Calendar, if a majority of the members elected to the House shall concur therein. When reported favorably by the committee, the bill shall then be given its first reading at length and shall be placed by the Clerk upon the Calendar to be kept by him, and shall then be entitled to its second reading the next succeeding legislative day.

Every bill shall be read at length on three different legislative days; but the second and third readings thereof at length may be dispensed with by a majority of all the members elected to the House and the bill read by its title.

**Rule 54. Calendar.** The Clerk shall keep a Calendar for each legislative day of the session showing the bills entitled to a second reading upon that day and shall post conspicuously the number of all bills recommended for said Calendar by the standing committees and the number of all bills placed in said Calendar by the Committee of the Whole House.

**Rule 55. Orders of the Day.** When a bill has had its second reading it shall be placed in the Orders of the Day, or be recommitted, and when next reached in the House it shall be ready for recommitment, or to be read a third time and placed upon its passage, and the Speaker shall so announce to the House.

A bill may be recommitted or amended at any time before its passage. Bills shall be placed in the Orders of the Day in the order in which they have been given their second reading, and shall be taken therefrom in accordance with Rule 41. When a House bill is in the Orders of the Day, it shall be in order on motion of the author to substitute for it an identical Senate bill which is in the Calendar of the House.

No bill shall be taken from the Orders of the Day unless it shall have been printed and previously distributed to members.

**Rule 56. Final Passage.** When a House bill has been amended in the Senate and the House has concurred in the amendment, the bill as amended shall immediately be placed upon its passage.

**Rule 57. Amendments to Bills.** All amendments offered shall be on sheets with a proper heading printed in black, furnished by the Clerk, and shall bear the signature of the members offering the same. All amendments shall give the proper page and line of the printed bill. Three copies of each amendment shall be introduced and the Clerk shall forward one copy to the Legislative Research Commission. No amendment shall be in order that is not germane to the matter under consideration;

and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment, subject to appeal to the House.

**Rule 58. Engrossment of Bills.** Every House bill and joint resolution, together with the amendments thereto, which has been passed by the House and not subject to further amendment or motion, shall be engrossed by the Clerk and so certified by him endorsing thereon the day of passage or adoption. The bill shall be delivered to the Senate in open session by the Clerk or someone designated by him, and Senate concurrence asked therein. A like procedure shall be observed toward Senate bills.

When engrossing a bill, the Clerk may incorporate amendments by means of typing only. When an amendment strikes out any part of the original it shall be indicated in the engrossed copy by one parallel line over the part to be stricken out, in such a way as not to render illegible the original words.

**Rule 59. Enrollment of Bills.** All House bills and resolutions which have passed both the Senate and the House shall be delivered by the House Clerk to the Enrolling Clerk, taking a receipt therefor, in the order in which passed. The House Clerk shall keep the number and title of all bills and joint and concurrent resolutions carrying the force and effect of law, passed by the House of Representatives and the Senate in a suitable record book attesting the fact and date of passage.

In the event a bill which originates in the House is amended by the Senate and the House concurs in the amendments proposed and adopted by the Senate, the Clerk of the House shall engross said amendments in the original copy of the House bill, attesting the same, before delivering the bill to the Enrolling Clerk of the House. The Enrolling Clerk shall then cause the original bill as attested by the Chief Clerk and the safety copy of the bill as delivered from the Senate to conform to each other by typing in indelible typewriter ink or by writing in red ink the amendments engrossed in the original bill in the safety copy. In cases of extreme emergency and during the last three days prior to sine die adjournment, where no correct printed copy is available, the Enrolling Clerk may enroll such bill or resolution

by typing the same on safety paper or by enrolling the same in longhand.

The original bill or resolution and a printed copy upon safety paper in the exact form as finally passed shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. The Committee on Enrollment and the Enrolling Clerk shall jointly compare the original bill with the enrolled copy, and if the enrollment is ascertained to be correctly done, the Committee shall report the same to the House. If any bill or resolution is found not correctly enrolled, it shall be returned to the Enrolling Clerk to be properly enrolled and delivered to the Committee on Enrollment as is first provided herein.

**Rule 60. Signing of Bills.** The Enrolling Clerk of the House shall deliver the original and enrolled copies of House bills and resolutions signed by the Speaker to the Chairman of the Enrollment Committee of the Senate for presentation to the President of the Senate for his signature. When signed by the President of the Senate, the enrolled bill or resolution and the original copy thereof shall be returned by the Enrolling Clerk to the Clerk of the House who shall present the enrolled bill or resolution to the Governor for his approval and take his receipt for same.

**Rule 61. Resolutions.** Resolutions having the force and effect of law shall be treated and considered as bills in all respects under these rules.

## VOTING

**Rule 62. Roll Call.** Any member, with a second, may demand a roll call on any matter pending before the House. The names of members shall be arranged alphabetically when taking a yea and nay vote.

Any time these rules require a roll-call vote, or a yea and a nay vote of the members, such vote may be taken by either a voice roll call or the electrical voting system, as ordered by the Speaker.

The Speaker, before each roll-call vote is taken, shall instruct the Clerk to sound the warning chimes installed in that part of the Capitol assigned to the use of the House. No roll-call vote

shall be started until two minutes after the warning chimes have been sounded.

**Rule 63. Electrical Voting System.** When the House is ready to vote upon any question requiring a roll call, and the vote is to be taken by the electrical roll call system, the Speaker shall announce:

"The question is on the passage of (designating the matter to be voted upon). All in favor of such question shall vote 'yea', and all opposed shall vote 'nay'. The House roll is now open for voting."

The Speaker shall recognize any member who rises for the purpose of explaining his vote. No member shall be allowed to speak more than three minutes to explain his vote, and shall not speak at all if the question is not a debatable question.

When sufficient time has been allowed the members to vote and to explain their vote, the Speaker shall announce: "Have all voted?" "Does anyone desire to change his vote?" And after sufficient pause shall lock the roll call system and instruct the clerk to record the vote. It shall be the responsibility of each member to determine the accuracy of his individual vote as registered opposite his name on the electrical roll call board and advise the Speaker of any desired change before the roll call system is locked.

The Clerk shall immediately start the recording equipment, and when completely recorded, shall present the result to the Speaker who shall announce same to the House. The Clerk shall enter upon the Journal the result in the manner provided by the rules of the House.

At the same time the vote is recorded by the electric recording equipment an original and five duplicate roll call sheets shall be made showing the vote, two of which duplicates shall be for use of the press, and one copy shall be furnished to the Legislative Research Commission.

**Rule 64. Voting for Others Prohibited.** No member shall vote for another member, nor shall any person not a member cast a vote for a member. In addition to such penalties as may

be prescribed by law, any member who shall vote or attempt to vote for another member may be punished in such manner as the House may determine. If a person not a member shall vote or attempt to vote for any member he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

**Rule 65. Pairing.** All pairs announced in the House shall be entered on the Journal.

**Rule 66. Adjournment Extended During Roll Call.** When the roll is being called in taking a yea and nay vote, and the hour of an adjournment arrives, the same shall stand extended until after said yea and nay vote has been completed and the result announced.

## PRIVILEGE OF THE FLOOR

**Rule 67. Persons Entitled to the Floor.** No person shall be permitted upon the floor of the House when in session and one half an hour before and after the House is in session except the present members of the General Assembly and all officers and employees of the General Assembly. Bona fide newspaper correspondents, designated in writing by the daily newspapers or press service they represent, shall be admitted to the floor when recommended by the Committee on Committees and shall be governed by the rules of the House and assigned by the Committee on Committees to a press section specifically set aside for them.

A special section of the gallery shall be reserved for the families and guests of members, who shall be admitted upon presentation of an identification card. Other persons shall be admitted to that part of the galleries not reserved for members' families. Members may submit the names of guests to the Clerk, who shall read the names to the House. Members shall not introduce guests from the floor.

**Rule 68. Lobbying in the House Chambers.** No person shall engage in lobbying for or against any measure while the

House is in session, or in recess, in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter that part of the Capitol while the House is in session. This rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

**Rule 69. Restrictions.** No article, booklet, pamphlet or any other printed matter shall be placed upon the desk of any member unless said article, booklet, pamphlet or other printed matter contains the signature of the author, or the party interested in the distribution thereof is clearly identified. The Sergeant-at-Arms shall be charged with the duty of enforcing this rule.

RULES

**Rule 70. Mason's Manual.** In the absence of a specific rule of the House, *Mason's Manual of Legislative Procedure* shall govern the proceedings, except that in all cases where general parliamentary law provides for a rule of two-thirds, it shall mean in this House a majority of all members elected thereto.

**Rule 71. Change of Rules.** The rules of the House, after their adoption shall not be altered, changed, amended, suspended or interrupted, unless the same be done by a majority of the members elected to the House. Whenever a rule is suspended, no measure shall be considered under suspension except the measure or measures in whose favor the suspension was invoked, and only for that day.

Representative Morgan moved the adoption of **HR 5.** Agreed.

**Introduction of Bills and Resolutions**

**HR 4,** by Representative Morgan: A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

**HB 1,** by Representatives McBrayer and Hoffman: AN ACT relating to limitation of actions.

**HB 2,** by Representatives McBrayer, Hardin, Rickert ,Walters, Ray, Baker, Wesley and James: AN ACT relating to divorce.

**HB 3,** by Representatives Peace, Simmons, McKinney, Clapp, Maddox, Richey, Huff and Floyd: AN ACT relating to motor vehicles.

**HB 4,** by Representatives Peace, Simmons, McKinney, Clapp, Maddox, Richey and Floyd: An ACT relating to campaign contributions and expenditures in elections.

**HB 5,** by Representative Henry: AN ACT relating to the working of prisoners in county jails.

**HB 6,** by Representative Henry: AN ACT relating to city streets.

Representative Wheeler announced that the Republican Party in caucus assembled had elected the following Minority Party House leadership:

| | |
|---|---|
| Floor Leader | Don Ball |
| Caucus Chairman | C. D. Wheeler |
| Minority Whip | Dexter Wright |
| Assistant Floor Leaders | Harry Hoe |
| | Arthur Schmidt |

Representative Morgan announced that the Democratic Party in caucus assembled had elected the following Majority Party House leadership:

| | |
|---|---|
| Floor Leader | Fred Morgan |
| Caucus Chairman | W. J. (Bill) Reynolds |
| Whip | Howard P. Hunt, Jr. |

The Speaker announced a meeting of the Rules Committee for 2:30 p.m.

**Recess**

Representative Morgan moved that the House recess until 7:30 p.m., January 2, 1968. Agreed.

At the appointed hour, the Speaker resumed the Chair.

Prayer by Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The Speaker appointed a Committee to advise the Senate that the House was ready to receive them for a Joint Session.

The Speaker appointed Representatives McNamara, Cruse, Baker and Brown as a Committee of the House to wait upon the Governor and escort him, with a Committee from the Senate, to the House to address the Joint Session.

Representative Harper moved that the remarks of Harry Lee Waterfield before the Pre-Session Legislative Conference be spread upon the Journal of the House. Agreed.

I deeply appreciate the high honor your committee on arrangements is according me here today. It so happens that none of this committee is a lame duck. Thus ready for service in the 1968 session are Lawrence W. Wetherby, President Pro Tem of the Senate; Shelby McCallum, Speaker of the House; Don Ball, minority caucus chairman in the House, and, of course, your own dedicated shepherd and handy man, James T. Fleming, director of the Legislative Research Commission.

The trust these former colleagues have placed in me shall not be borne lightly in the course of my remarks. In short, they felt that I will not throw a monkey wrench into the wheels of legislative progress, or move the bones of old political skeletons from one graveyard to another. So relax, gentlemen. As the TV com mercial puts it, you are in good hands.

Seriously, in my 30 years of close association with the legislative branch of state government, this is the first occasion I recall at which a private citizen was invited to keynote the opening session of your pre-legislative conference. The challenge, no less than the honor, inspires me to give you the best within me.

Let me quickly acknowledge, however, that the role of private citizen was not the desired epilogue to the drama of my political aspirations. The role was thrust upon me at the May primary by an electorate whose electrifying performance on that occasion reflected the polished perfection mastered at full-dress rehearsals in 1947 and 1959!

But the circumstances of my time in Kentucky politics put me on a stronger footing with you here today. The circumstances

entitle me to talk to you like a Dutch uncle. For I am essentially a legislative man. While I had my left foot in the executive branch the two terms I served as Lieutenant Governor, my right foot was in the Senate eight years as President. And both my feet were in the House of Representatives four years as Speaker, plus eight years as a member.

To begin, let me urge a few basic facts to your attention. The Legislature is the people's branch of government. It is superior both in authority and responsibility to either the executive or judicial branches. The Governor can not administer the law until and unless you enact it. The courts can not interpret the law until and unless you enact it.

The executive and judicial branches are without power to function until you spell out the rules. They are without means to follow the rules until you give them the money to do so. Equally dependent upon you for primary authority are school superintendents and boards of education, the mayors and aldermen of cities, and the judges and magistrates of county fiscal courts.

The people can not come to Frankfort and run this state in the tradition of a New England town meeting. But they can, and do, elect and empower you to run it for them . In quantity, you stand at the insignificant total of 138 men and women. But in quality you stand as the primary power of the 3,000,000 citizens you represent.

The pattern of your great power was cut by framers of the four constitutions Kentucky has lived by since statehood in 1792. The pattern can not be shrunk to fit you at this late date, but yours is now the glorious opportunity to grow up to fit it.

Tremendous growth toward better fit to this pattern has occurred in my legislative lifetime. You are now poised for the final breakthrough. If what I say here inspires you to head toward that breakthrough with resolute purpose and determination, this will be one of the great days in my life.

The vehicle of this potential breakthrough is Legislative Research Commission, under whose auspices you are now deliberating at Kentucky Dam State Park. I believe I have earned

the right to refresh your memory on the origin and background of LRC. I am its daddy.

I came to the 1938 session of the House at age 27. Two years before, the Reorganization Act of 1936 had created this nation's second concept of legislative research, the first having been enacted by Kansas in 1933.

The apparatus at hand in 1938 was called the Legislative Council. It was composed of five senators, appointed by the President of the Senate; five Representatives, appointed by the Speaker of the House; and five members from the executive department, appointed by the Governor.

I returned to the House in 1940, and again in 1942. In the six years since its inception, the Legislative Council had achieved an excellent record of limited service, confined principally to professional bill drafting by Robert K. Cullen, now a Commissioner of the Court of Appeals.

But the council, by 1942, had achieved no depth of purpose or sense of direction. It had engaged in no research or fact finding, provided no vehicle or outlet for legislative initiative. Two reasons were obvious. First, the Legislature, itself, had been too timid to give it the money to hire an essential staff of career technicians. In the second place, the five members appointed by the Governor dominated the brief and unproductive meetings held every two years in advance of regular sessions.

In 1944, the House honored me with the Speaker's chair. That session was less than two weeks old when I appointed 11 Democrats and 6 Republicans to a commission to function exclusively as a research and fact-finding agency of the Legislature. A bill was introduced to implement the commission with adequate funds and staff, to abolish the Legislative Council, and to give perpetuity to its proposed new successor, the Legislative Research Commission.

This bill was defeated in the House by one vote. We got 50, and we needed 51 for passage. But one by-product made the effort worthwhile. The five members of the executive department got purged from the Legislative Council in the process.

The first meeting of what later was to become LRC was held in the office of the Speaker on January 13, 1944. Present were the 17 members I'd appointed earlier that day. Last week I reviewed my remarks on that occasion. Of the tens of thousands of words I have spoken since then in behalf of a stronger Legislature, no passage can be found that better expresses my basic theme. Please indulge me, therefore, to a brief recitation of my maiden remarks on this subject 23 years ago:

"It is about time that the Legislature stands on its own feet and functions as the constitution intended for us to operate.

"It is no wonder that the people, the politicians and officials of this state have lost respect for the Legislature. But I think we have the opportunity in this session to restore the Legislature to its proper respect.

"No distinction is drawn by the constitution, either directly or by suggestion, between the legislative, the judicial and the executive branches of government. The Legislature is entitled to as much dignity as the other two.

"I wonder if the people have lost respect for us because the Legislature has not assumed the obligation placed upon it by the constitution. For several years now, the Legislature has taken the position of leaving everything to the executive branch. No wonder the executive branch has been treading on the authority and functions of the Legislature when men elected to it allow it to be done.

"If this commission will be diligent, we can restore the functions and respect of this and future Legislatures, but to do that will require time, effort, energy and hard work.

"The executive branch, for example, has thousands of employes at its disposal. It has at its hands all the information and can command research, facts and figures. The executive branch has all these facilities, the legislative branch none of them.

"Consequently, we can do nothing. A department head comes here with a bill, a few of our fellows take it over to a corner, give it 30 minutes study, report it out favorably, and we

pass it without knowing whether it is good, bad, or indifferent."

In 1946, the House re-elected me Speaker. We introduced the LRC bill again, got it passed in the House, but the Senate defeated it. But the third time is the charm. The bill was passed at the 1948 session. It was easily the greatest legislative step forward since adoption of the present constitution in 1891.

Because I want to explore future potential in some length and detail, I shall assume that you are familiar with the power, prestige and functions of LRC at present. Suffice it to say that LRC has come of age in 20 years. In contrast to its first-year appropriation of $50,000, LRC currently is operating on an annual budget of $424,000. That is growth you understand without further elaboration.

Let me now direct your attention to exciting potentials of the future. Two prongs comprise the challenge. First, how can the Legislature function more effectively during the 60 legislative days it sits every two years? Second, what new strengths can be developed in the 21½ months between sessions?

As to the first potential, it is my considered judgment that substantial adoption of the rules under study at this pre-legislative conference would improve the legislative process immeasurably. I am told one of your later sessions will deal with these rules to the exclusion of other matters. Hence I will not discuss them further at this time.

But pay me now close attention while I show you how to put the Legislature in significant service to this Commonwealth on a year-around basis. What I am about to suggest can be done within the framework of existing law. It is not without precedent. To my best belief, it does not violate the constitution in letter or spirit.

You already have in LRC the equivalent of a joint committee of the Senate and House with a wide variety of duties and powers in the interim between sessions. It is a continuing committee, if you please, fully financed and staffed. LRC conforms to statutory and constitutional law.

Thanks to statutory definition, LRC at any given time will

reflect rather accurately the political ratio between Democrats and Republicans in the Legislature. By definition, 10 of the 14 members must be evenly divided between the two parties. Three more—the Speaker and Speaker Pro Tem of the House, and the President Pro Tem of the Senate—may be of either party. The 14th member, the Chairman, does not possess a vote except to break ties. Because his office of Chairman is statutory, and his office of Lieutenant Governor is constitutional, the Chairman never functions as a member.

Next, you already have many precedents, of unquestioned legality, in which LRC has appointed committees from the general public to advise it in many areas of public interest. A notable example was the Constitution Revision Assembly of 1964-65. Basically, the assembly was merely an advisory committee to LRC in the area of constitutional reform.

It is already established custom for a member of LRC to be chairman of any project in research, inquiry, investigation, and the like, that is undertaken either by directive of the Legislature or upon LRC's own initiative.

Now I say to you: *Let each of these LRC chairmen draw his committee from the Legislature itself, rather than from the general public.*

That is the broad base of my suggestion. Let me now draw it in somewhat finer detail. Your proposed new rules provide for 14 standing committees in the Senate and House, all bearing the same names and charged with the same areas of responsibility. Here they are:

Agriculture and Natural Resources
Appropriations and Revenue
Banking and Insurance
Business Organizations and Professions
Cities
Counties and Special Districts
Education
Elections and Constitutional Amendments
Health and Welfare
Highways and Traffic Safety

Judiciary
Labor and Industry
Public Utilities and Transportation
State Government

Say a question of public interest arises between sessions that is related to labor and industry. LRC would designate one member as chairman. This chairman then would bring to Frankfort as his colleagues the Senate and House committees on Labor and Industry for whatever activity the occasion calls for.

Or, say the public interest becomes sensitive to some facet in education. The LRC member designated as chairman creates his committee from members of the Senate and House committees on education.

It is inconceivable that any question of public interest could arise that is not related to areas covered by the 14 standing committees in the proposed new rules. Hence, if and when this plan is put into effect, the Legislature will be in prestigous position to render meaningful service the year around.

You already have both the base and precedent to pay yourselves adequately for this interim service. Simply raise your between-sessions expense allowance from $150 to, say, $300 a month.

I would be disappointed, indeed, if this plan did not draw objections in genuine sincerity. For universal acceptance would be a sign that I had served you here a bowl of milk toast when I had aimed to give you a big hunk of rare roast.

Let me now advance a few rebuttals to what I'd anticipated as sincere objections. To fears that this plan is illegal, I say to you:

First: Mr. Fleming, your director, has researched the question of between-sessions activity. He reports that the only block appears to have been a widespread assumption that interim functions cannot be performed.

Second: The exact principle of this plan is found in your Audit Committee that, for nearly two years now, has functioned with full legislative power. I need only to remind you the Audit

Committee has not been questioned in courts, it has not abused sound discretion, and its record exemplifies meaningful service to the Commonwealth.

Third: The plan I here advance is simply another layer of stone to the foundation laid 20 years ago. The mortar holding these successive layers together has been tested and found effective by law, theory, practice and public opinion.

To fears that this plan would tear down the office of Governor I reply that, to the contrary, it would make the Governor stronger. It is not a question of weakening the Governor. It is a question of strengthening the Legislature. There is more strength in two giants than in one giant and one pigmy.

Besides, the office of Governor is strong today because you have made it so. The Governor's power is simply a grant from you to him. To pause now long enough to define and assume the superior power that is inherently yours is not to detract one whit from authority you already have bestowed upon the Chief Executive.

Heaven knows the office of Governor needs all the informed support he can get in this day of creeping take-over of states by the Federal government. Creative federalism, or, if you prefer, Federal bureaucracy, already is by-passing states to deal directly with cities, counties and school boards. And it is by-passing every public authority in Kentucky to deal directly with local committees of private citizens in the so-called war on poverty.

Except for rural and secondary roads, Kentucky has lost control of the Department of Highways to the U. S. Bureau of Public Roads. Medicaid is the only major program in public health and welfare with prime authority vested in Kentucky. The rest of it has been surrendered to the U. S. Department of Health, Education and Welfare. The U. S. Office of Education right now is in preliminary stages of taking over the State Department of Education. The formula of this take-over is simply and deadly effective: Federal control follows Federal money.

In the area of conservation, the Federal government has granted states some little period of grace for action against pollution of air and water, and the ravages of strip mining. Creative

federalism is standing by to take over in the event of state failure, not only in conservation, but in the areas of highway safety and regulation of insurance.

So I cry to you with all the bluntness at my command: Get yourself strong and join yourself with a strong Governor to create a strong Kentucky. The price of failure is reduction of Frankfort from a state capital to a regional bureau of the Federal government.

To fears that year-around committees would lack the power to subpoena witnesses and require testimony under oath, I merely remind you that LRC already has the power of subpoena. I would hazard the opinion that these committee chairmen, being members of LRC, would be clothed with all the authority vested in LRC by 20 years of law and precedent. But if committee chairmen, as such, lack the power of subpoena, it can be supplied easily by an amendment to present law.

But the power of subpoena is merely one detail in the total potential of this plan. Vastly overshadowing it in importance would be the continuing dialogue in Frankfort as you, the people's arm of government, assembled in your various committees to explore public issues, to seek answers to public questions, and search for effective application to government the results of your own research by the professional staff of LRC.

Indeed, the most fruitful product of this plan might well be a meeting of each of the 14 committees, staggered at intervals of from 60 to 90 days, at which officials from the executive department would be called upon to report fully how they are spending the money, and what results there are to show.

For example, the Education Committee would have the right, indeed the duty, to hear and discuss periodic progress reports with the Superintendent of Public Instruction and his staff. In so doing, the legislative mind would be marching abreast with problems of education, instead of lagging two years behind.

You talk about power. Well, let me tell you something. Knowledge is power. Knowledge is power no less in government than in business and commerce, than in the arts and sciences, than in the skilled crafts and learned professions. The Governor has

more power than you, the Legislature, because the balance of knowledge is on his side. Get yourself on a year-around basis and you will be astounded at how quickly the balance of power tilts to your advantage.

To fears that this plan would cost too much money, I say phooey to that. I will not insult your intelligence by suggesting that this plan would decrease the dollar volume of public spending. But I will stake my political and business reputation upon two flat statements:

First: This plan would add untold millions of dollars to the efficiency of state government.

Second: This plan holds the potential of the best investment any Legislature ever had the opportunity to make.

The ox is in the ditch. For you to renounce now this golden opportunity to make the final breakthrough to legislative greatness and maturity is to nullify the money already spent on the 20-year buildup of LRC. To renounce it would perpetuate you in the cringing role of a spineless beggar willing to hand out millions, but unwilling to assert the power and prestige inherent in the control of big money.

Here are two provocative thoughts:

First: The new location at Spindletop of Council of State Governments adds weight to the wisdom of a legislative breakthrough to year-around service, importance and prestige. Not only can the Council be called upon for advice and help, but the staff of state government experts will take interested note of developments. The staff's running report of progress toward year-around status at Frankfort would be of intense interest to every other biennial legislature in the country limited to specified terms of session. Kentucky was the second state in the nation to adopt the principle of legislative research. Let Kentucky now be the first in the nation to use legislative research as the vehicle of year-around service to the concept of a people's government properly balanced between the executive, the judicial, and the legislative.

Second: Year-around service by the Legislature would be the

strongest possible justification for a legislative building designed for legislative needs and convenience. But to crawl is the first preliminary to walking. Make this breakthrough at the 1968 session and dedicate your hands, hearts and minds to make of it an exemplary success in the 1968-70 biennium. Then, at the 1970 session, authorize yourself a self-contained legislative building with plenty of parking space. But let me warn you. It may be sooner than you think before you will be compelled to raise an additional tax. Do not let any increase get away from you before nailing down for yourself whatever fraction of it is required to convert from dream to reality a legislative building befitting a Legislature of year-around power, prestige and service.

Just remember you are the people's arm of state government. You are the people's only voice of absolute power in Frankfort. Do not, I pray you, stultify your proud position by cowering with tucked tails. With chins up, move boldly ahead until something bigger and stronger stops you. And I close with a loss to suggest what is bigger and stronger than the people, whose vote and voice you are.

The Speaker appointed Representatives Blandford, Cox and Stuart to escort the Lieutenant Governor and the Senate into the House Chamber.

The Committee appointed to wait upon the Governor reported that the Governor was ready to address a Joint Session of the General Assembly.

The Senate entered upon the floor of the House.

Representative Morgan moved that the House resolve itself into a Committee of the Whole to go into Joint Session. Agreed.

Representative Morgan moved that the roll call be dispensed with. Agreed.

**Joint Session**

The Speaker vacated the Chair, whereupon the Honorable Wendell H. Ford, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

Lieutenant Governor Ford introduced Governor Louie B. Nunn.

Lieutenant Governor Ford, Mr. Speaker and members of the General Assembly:

Before proceeding with my message, let me congratulate you, members of the General Assembly, in your successful efforts to be afforded the opportunity to serve your fellow man. The citizens of the Commonwealth have selected you, as they have me, to be their servants and not their master. No other General Assembly, in the history of Kentucky, has been faced with so heavy a burden for sane, sound, responsible leadership.

In obedience to the mandates of the Constitution of this Commonwealth, it is my duty as the Chief Executive, to appear before you, the General Assembly, and to report on the general operations of State Government, its finances, and to make my recommendations dealing with the State's fiscal and legislative policy.

I have learned, as have most Governors before me, that the time which elapses between the inauguration of the Governor and his first report to the legislative branch is enirely too short for him to appraise precisely the condition of the Commonwealth, to make appropriate recommendations for legislative deliberations and to establish a sound and equitable fiscal policy. It is utterly impossible to conscientiously and intelligently explore the needs of each of the departments and agencies of the Commonwealth and to formulate budget and fiscal policy which would reasonably meet those needs. As a result of changing circumstances and unforeseen conditions, more time will be required than has been available to suggest to you a complete program.

This is a memorable occasion and it is my deepest wish that I could have come before you with the traditional optimism many of you have learned to expect. I wish I could say, as many Governors before me have said, that the present is secure—the future bright—the economy vigorous—our financial structure sound and that we have no worry. I cannot do this. It would

not be true. To do so, would deceive you, the members of the General Assembly, and the citizens of Kentucky, whose affairs are in our trust.

We are here to do the people's work. The privileges of serving are tempered by public responsibility. The hour of decision is now at hand. Our responsibility transcends party affiliation or personal ambitions. The cold facts are distressing, but you and the people we represent are entitled to know the truth.

You are well aware of the magnitude of government. The services and the programs are as complex as society itself. Its cost of operation is now over one billion dollars annually. More than twenty-five thousand employees are paid a monthly payroll in excess of eleven million dollars.

As you know, about the middle of November, Governor Breathitt ordered a twenty-four million dollar budget reduction. He directed each Department to reduce its budget in order that the Constitutional requirement of a balanced budget be met at the end of this fiscal year. This cut was necessary because fifteen million dollars less revenue was received than had been estimated for the current fiscal year, and nine million dollars less than had been estimated was available to be brought forward from the preceding fiscal year. It is my considered opinion that, had the reduction been instituted as of July, when the shortage became apparent, the present crisis and cutback in services to the people would not have been so pronounced and elimination of services perhaps would not have been at all necessary.

The 1966 General Assembly, of which many of you were members, recognized the need for the funds that were appropriated. Those needs, which were recognized in 1966, still exist. Recurring budget costs have not been reduced by the twenty-four million dollar reduction. Much of the so-called budget cut is only a postponement of expenditures which must eventually be funded. Many Departments are only delaying expenditures for such things as building maintenance, equipment purchases and facility replacements. These required, essential and needed items will have to be met next year.

The obligations and commitments of State government chal-

lenge the imagination. For instance, on December 12th, when I took the oath of office, this Commonwealth had an outstanding bonded indebtedness totaling in excess of one billion eighty million dollars. The annual principal and interest payments upon this indebtedness amount to fifty-five million dollars. Over the life of the bonds, the taxpayers of Kenucky will pay out in interest alone approximately 767 million dollars.

This is not the only debt obligation of this State.

In addition, the State is indebted to the Teachers' Retirement Fund to the extent of one million two hundred thousand dollars.

In the Highway Department, 55 per cent of the State Road Fund is committed to debt service—*interest and principal payments on bonds issued and outstanding. It is impossible to maintain and operate, much less expand, an adequate road system on the 45 per cent of the State Road Fund which is left after payment of debts.* And, *to make matters worse,* I am advised that beginning the second year of the biennium—when the full impact of our borrowing will be felt—the situation will worsen. In addition to this, the completion of the Interstate and Appalachian Highway system will require 25 million dollars more than remains in the 1965 Bond authority. Prior commitments to which we are obligated would exhaust the existing available funds by the end of 1969. Unliquidated balances on personal service contracts as of December 12, 1967—were approximately thirteen million dollars.

These are the unpleasant—bitter facts—but, these are the facts.

The school system of Kentucky—at all levels—clamors for improvement. The inherent escalation which is built into our school financing programs, the forces of inflation, the competition from other States and the progressive increase in student population, place a higher and higher price tag on the kind of school system Kentuckians want.

It is probable that the school population in our institutions of higher learning will increase by 12 per cent during 1968 and that the school population in our common school system will increase by 10 per cent. About school financing, it has been said

that we must run very fast to stand still.

The budget requests for education are staggering. The entire General Fund budget could be devoted to education alone without over-financing it. Of course this cannot be done. But we simply cannot fail to recognize the need of our school children for adequate facilities and proper training for today's competitive society.

The Commissioners of Mental Health and Economic Security have furnished me with most urgent requests for increased financial assistance. These are the departments where government has become the guardian of many Kentuckians, who, for one reason or another, are not physically, mentally or financially able to sustain themselves. Here, in truth, we are our brother's keeper. Consider, if you will, how adequately we are "keeping our brother." The *Department of Mental Health spends 69 cents per day per patient for food—23 cents per meal—less than half the cost of a sandwich and a cup of coffee at the corner restaurant. It spends 11 cents per day per patient for medicine—and about $35 per patient per year for clothes.*

Sleep does not come easily to me after I have read these reports. I know that you are concerned, as I am concerned. Government, in our age and generation, touches many lives. It is the source of sustenance—the food and shelter and clothes for many people. They look to us—these unfortunates—and for my part, I cannot look away.

As an emergency measure, I have made available from the Governor's Contingency Fund $300,000 to tide us over the immediate deficiency. However, this is only a small patch on a threadbare garment. The magnitude of the problem in this area is best illustrated by a recent Legislative Research Commission report, which called for a doubling of appropriations to the Department of Mental Health. Here, again, we must give attention to those people who did not bring about the situation in which they find themselves. Here, again, is an activity of government which deals with people toward whom we must have compassion.

These are only a few of the reports which I have received from responsible department heads. The fact that I have omitted

many of them should not be construed to mean that the need is any less great in other areas of government.

I am greatly concerned about the unmet needs in such areas as child welfare, handicapped children, tuberculosis, mental retardation, agriculture and others. I have omitted them because it would serve no useful purpose to take you further into depressing detail at this time. I shall deal with all these problems, point by point, department by department, when I submit to you the Executive Budget.

One other thing should be mentioned. Any budget submitted to you—any fiscal recommendations made to you—always must be made in the light of Federal influence. For instance, newly enacted Federal legislation will require Kentucky to raise benefit payments to public assistance recipients or risk the loss of Federal aid funds. The matching of Social Security coverage on the State employees will be an additional expense. Federal participation in the Medicaid program may be cut back to the point where State participation must be greater. Fiscal experts estimate that an increase in Federal income taxes, which the President is pressing heavily upon the Congress, may cost Kentucky ten to fifteen million dollars, if enacted, because, as you know, Federal income taxes are deductible on State income tax returns.

I plan to present the Executive Budget for your consideration in late February. At least four considerations make this timetable advisable.

First, the time that will be afforded to me by this schedule will enable me to effect economies which will have a long range influence on expenditure patterns. In the brief three weeks I have been in office, I have reduced expenditures and attempted to streamline administrative functions, even to the extent of ordering all agencies to use up old stationery from the previous administration before ordering new. We have called in credit cards, ordered all state vehicles to be appropriately marked in order to discourage unauthorized use. We have shortened the holiday vacation time, cancelled most out-of-state travel, and denied payment of unused vacation time for departing commissioners. By changing the communications system in the Highway Depart-

ment alone, we are saving about $800.00 per day on that one item.

Second, the Kentucky Efficiency Task Force, composed of some of the best-informed citizens available for public service, working at no cost to the taxpayer, will make its report in early February. Undoubtedly, some of the Task Force's recommendations will have a direct bearing on my budget proposal. The economy knife will cut deeply. No department, agency, or activity will be spared. I intend to pare down the cost of operating the Governor's office and I would be hopeful that all other elected and appointed State officials will cooperate with me in that regard. I shall not ask more than I am prepared to give.

Third, it may be that by reorganization of the executive branch of State government significant savings can be made. This will be studied and as specific changes appear feasible, they will be taken into account in formulating the budget which I shall submit to you.

Fourth, the impact of Federal legislation on both the income and expenditure sides of the budget can be gauged more accurately by mid-February than it can earlier.

The development, discussion and enactment of a sound financial plan for State government is our priority business. Other recommendations that I will wish to place before you for your consideration must come later. Many of the proposals that you will wish to bring before this General Assembly can be acted upon more effectively after we have, together, faced up to the fiscal facts of life. Such would certainly be the case in regard to appropriation of revenue bills. I am asking, therefore, that the leadership of both parties meet with me tomorrow for the purpose of jointly determining how we can make the best use of our time between now and the introduction of the budget.

You, the members of the General Assembly, carefully selected by the citizens of Kentucky, shall determine the extent to which roads will be constructed, whether cancer tests and care shall continue, whether our streams and air shall be kept free of pollution, and whether our mental patients shall receive complete care and treatments. You shall also determine the quality

of education of our children and the number of new jobs made available to our young people.

I deeply feel that it is time for us in Kentucky to meet our responsibility and to let each one of our fellow Kentuckians feel no doubt that we will act in a sensible and responsible manner. We have much work to do. Our business is big business and cannot be dealt with easily or lightly or in a partisan manner. We have a joint responsibility which we must jointly discharge.

I recognize and accept my responsibilities to help provide for you leadership that will show a course of direction that will light the way for a better Kentucky for years to come. I know that you come here tonight as the people's representatives with the same hopes, aspirations and desires as I do, as their Chief Executive.

It is my privilege, with pride and humility, to stand here as your partner, ready and willing to do all that I can for the common good of all Kentuckians. To stand here without obligation to any special group, with no one to defend and no one to protect—and with no desire to coerce, intimidate, expose or incriminate. Free to do that which is right—as the One above, the Chief Magistrate of us all, imparts to me the wisdom to determine that which is right. Obligated only to three million Kentuckians without regard to their religious convictions, their party affiliations, their color, their social or economic standing; devoted and determined to give them the best of my heart and mind—so long as I remain their servant. They should expect no more—they deserve and will receive no less.

Representative Morgan moved that the Joint Session be dissolved. Agreed.

The Speaker resumed the Chair and called the House to order.

### Senate Message

Announcing passage of **SR 5.**

### Motion

Representative Morgan moved that the House adjourn Wed-

nesday, January 3, 1968, until Monday, January 8, 1968.

On the roll call the vote was yeas 51—Akers, Allen, Ballenger, Bowles, Brown, Bruce, Clapp, Clark, Cruse, Dawhare, Denham, Floyd, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Irick, James, Jones, Justice, Keith, Kidd, King, Lassiter, Louden, Maddox, May, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Mitchell, Morgan, Rattliff, Russell, Sartin, Saylor, Schmidt, Smith, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, White, Wolchik. Nays 33—Alexander, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Coffey, Cox, Curlin, J. A. Davis, DeMarcus, Greer, Halleck, Hardin, Hoffman, Huff, Hunt, Keene, Kessinger, Lankford, Lawson, McBrayer, R. L. Miller, Peace, Prather, Ray, Richey, Rickert, Riddle, Simmons, Wooley, Wright.

The motion to adjourn on Wednesday, January 3, 1968 until Monday, January 8, 1968 was adopted.

Representative Morgan moved the adoption of the following amendment to **SR 5.** Agreed.

Amend printed copy of Senate Resolution 5 on page 1, line 5, by: deleting the words "Thursday, January 4, 1968" and inserting in lieu thereof the words "Wednesday, January 3, 1968."

Representative Morgan moved the adoption of **SR 5** as amended.

**SR 5,** A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

*Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That when the Senate does adjourn on Wednesday, January 3, 1968, it does so to convene again on Monday, January 8, 1968, at a time set by motion duly adopted in the Senate.

Section 2. That when the House of Representatives does adjourn on Thursday, January 4, 1968, it does so to convene again on Monday, January 8, 1968, at a time set by motion duly adopted in the House of Representatives.

On the roll call the vote was yeas 50—Akers, Allen, Arnett,

Ballenger, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Walter F. Davis, Dawhare, Denham, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Irick, James, Jones, Justice, Keith, Kidd, Lassiter, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Mitchell, Morgan, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Smith, Stuart, Tobin, Webster, Wells, Wesley, White. Nays 36—Baker, Ball, Bamberger, Blandford, Blythe, Bruce, Cox, Cruse, Curlin, J. A. Davis, DeMarcus, Greer, Halleck, Hardin, Harper, Hoe, Hoffman, Huff, Hunt, Keene, Kessinger, Lawson, McBrayer, R. L. Miller, Peace, Prather, Rattliff, Ray, Richey, Rickert, Riddle, Simmons, Wheeler, Wolchik, Wooley, Wright.

**SR 5** as amended was adopted.

Representative Morgan moved that when the House adjourns it do so until 9:00 a.m., Wednesday, January 3, 1968. Agreed.

Representative Morgan moved that when the House adjourns on January 3, 1968, that it do so until 8:00 p.m., Monday, January 8, 1968. Agreed.

### Introduction of Bills and Resolutions

**HB 7,** by Representative Louden: AN ACT proposing an amendment to Section 253 of the Constitution.

**HB 8,** by Representative Louden: AN ACT relating to confederate cemeteries.

**HB 9,** by Representative Morgan: AN ACT relating to general appropriations to the Legislative Research Commission for the operation, maintenance, support, and functioning of the Legislative Branch of government and its agencies of the Commonwealth of Kentucky.

**HB 10,** by Representatives Curlin, Hoffman, McBrayer and Hunt: AN ACT relating to appropriations.

Representative Morgan moved that the House adjourn until 9:00 a.m., Wednesday, January 3, 1968. Agreed.

## WEDNESDAY, JANUARY 3, 1968

## SECOND LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Representative Gene Huff, Laurel County, Kentucky.

The roll was called. All present except Representatives Blythe, R. Reynolds and Walters.

Representative Morgan moved that absent members be granted leave of absence. Agreed.

Representative Morgan moved that the reading of the Journal of January 2, 1968, be disposed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 11,** by Representative Hinkle: AN ACT relating to campaign contributions and expenditures in elections.

**HB 12,** by Representative Wells: AN ACT relating to public employe contracts.

**HB 13,** by Representative Harper: AN ACT changing the classification of the City of Edgewood in Kenton County.

**HB 14,** by Representative Harper: AN ACT changing the classification of the City of Crestview Hills in Kenton County.

**HB 15,** by Representative Harper: AN ACT providing for the liability of parents for damage to property by minors.

**HB 16,** by Representative Kidd.: AN ACT relating to school attendance.

**HB 17,** by Representative Wells: AN ACT proposing an amendment to Sections 36 and 42 of the Constitution of Kentucky, relating to the sessions of the General Assembly.

**HB 18,** by Representatives Baker, Rattliff, Simmons, Sartin, Bowles, Smith, Keith and Coffey: AN ACT relating to community colleges.

**HB 19,** by Representatives DeMarcus, James, W. F. Davis,

R. L. Miller, Huff, Dawhare, and Webster: AN ACT relating to petty loan companies.

**HB 20,** by Representatives McNamara, Hoffman, Jones and Hinkle: AN ACT relating to pay of election officers.

**Recess**

Representative Morgan moved that the House recess for twenty minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

The following members and constitutional officers who had not received oath of office were administered the oath by Representative Riddle, notary public: Representatives King and Lankford; and, Lawrence Watts, cloakroom keeper.

**Announcement**

Representative Morgan announced that the Senate had concurred in the House amendment to **SR 5.**

**Introduction of Bills and Resolutions**

**HB 21,** by Representatives Riddle, Kessinger, Bruce and Melton: AN ACT relating to campaign practices.

**HR 6,** by Representatives McNamara, Morgan, Hinkle, Denham, Keene, W. J. Reynolds, Alexander, Henry, Vanover and Riddle: A RESOLUTION adjourning the House of Representatives on Wednesday, January 3, 1968, in memory of John C. Bourne.

WHEREAS, this House is sorely grieved by the loss of its friend and colleague, the Honorable John C. Bourne of Nicholasville; and

WHEREAS, John C. Bourne served the House of Representatives to the fullest of his ability during his term of service, thereby exemplifying to the people of his district his diligence and conscience; and

WHEREAS, this honored gentleman has left a lasting impression upon all those with whom he served in the Kentucky House of Representatives;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives adjourns on Wednesday, January 3, 1968, it does so in memory of John C. Bourne.

Representative McNamara moved the adoption of **HR 6.** Agreed.

Representative Wright moved that the House convene at 8 p.m. on January 8, 1968.

On the roll call the vote was yeas 63—Akers, Alexander, Allen, Arnett, Ballenger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clark, Cox, Curlin, Walter F. Davis, Denham, Floyd, Halleck, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Jones, Justice, Keene, Kidd, King, Lankford, Louden, Massey, May, McBrayer, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Saylor, Siemens, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White. Nays 18—Baker, Ball, Bamberger, Coffey, Cruse, DeMarcus, Greer, Hardin, Harper, Huff, Kessinger, Lawson, R. L. Miller, Peace, Richey, Simmons, Wooley, Wright.

The motion that the House convene at 8 p.m. on Monday, January 8, 1968 was adopted.

Representative Morgan moved that the House adjourn until 8 p.m., Monday, January 8, 1968.

On the roll call the vote was yeas 35—Arnett, Baker, Ball, Ballenger, Blume, Bowles, Brown, Cox, Dawhare, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Jones, Justice, Keith, May, McBrayer, McNamara, Mershon, Clarence R. Miller, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Schmidt, Stuart, Webster, Wesley, White, Wooley. Nays 2—DeMarcus, R. L. Miller.

The motion to adjourn was adopted.

## MONDAY, JANUARY 8, 1968

## SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John L. Hunt of the South Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Cruse and McCallum.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Morgan moved that the reading of the Journal of January 3, 1968, be dispensed with and the same approved. Agreed.

### Committee Appointments

The Clerk read a report of the Committee on Committees appointing the following:

APPROPRIATIONS AND REVENUE

John Stanley Hoffman, Chairman
William P. Curlin, Jr., Vice-Chairman

| | |
|---|---|
| Leo Bleemel | Don Ball |
| Edward G. Brown | George Greer |
| Howard P. Hunt, Jr. | Allen Russell |
| Bernard Keene | Frank Sartin |
| Shelby McCallum | Arthur Schmidt |
| Ralph Mitchell | Eugene Stuart |
| Jon E. Rickert | Charles Wheeler |
| Franklin Webster | |

### Introduction of Bills and Resolutions

**HB 22,** by Representative James: AN ACT relating to railroad grade crossings.

**HB 23,** by Representative DeMarcus: AN ACT relating to primary elections.

**HB 24,** by Representative DeMarcus: AN ACT relating to standard time in Kentucky.

**HB 25,** by Representatives Bamberger, DeMarcus and Schmidt: AN ACT relating to election officers.

**HB 26,** by Representatives Bamberger, DeMarcus and Schmidt: AN ACT relating to Narcotic Drugs.

**HB 27,** by Representative Bamberger: AN ACT changing the classification of the City of Southgate in Campbell County.

**HB 28,** by Representative Walters: AN ACT relating to costs in civil cases.

**HB 29,** by Representatives Walters, Allen, Rattliff and Prather: AN ACT relating to bail for misdemeanors.

**HB 30,** by Representative Hoffman: AN ACT relating to Workmen's Compensation.

**HB 31,** by Representative Walters: AN ACT changing the classification of the City of Clay City in Powell County.

**HB 32,** by Representative Keene: AN ACT relating to standard time in Kentucky.

**HB 33,** by Representatives Harper, Bruce, Rattliff, Wheeler and Pettit: AN ACT relating to jurisdiction of the Courts of Kentucky.

**HB 34,** by Representatives Harper, Wheeler and Pettit: AN ACT to regulate the business of debt management.

**HB 35,** by Representative Dawhare: AN ACT relating to school boards.

**HB 36,** by Representatives Hardin, Bruce, Hampton, Hoffman, McBrayer and King: AN ACT relating to children.

**HB 37,** by Representatives Ray, Dawhare, McGill and Blandford: AN ACT relating to compensation of election officers.

**HB 38,** by Representatives Ray, Dawhare, McGill and Blandford: AN ACT relating to primary elections.

**HB 39,** by Representatives Rickert, Rattliff, White, Prather,

Hinkle, McNamara, Arnett, Tobin and Curlin: AN ACT relating to standard time in Kentucky.

**HB 40,** by Representatives Schmidt, Riddle, Bamberger, Smith, Sartin, Floyd, Simmons, Richey and Lawson: AN ACT relating to motor vehicle inspection.

**HB 41,** by Representative James: AN ACT relating to primary elections.

**HB 42,** by Representative James: AN ACT relating to railroad companies.

**HB 43,** by Representatives Peace, Lassiter, Lankford, Rattliff, Melton, Baker, Clark, Sartin, Coffey, White, Huff, Kessinger, Harper, Hinkle, McKinney, Wolchik, Floyd, DeMarcus, Maddox, W. F. Davis, J. Davis, Murphy and Clapp: AN ACT relating to juries.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Appropriations and Recenue: **HR 4** and **HB 9.**

Representative Morgan moved that the House adjourn until 1:00 p.m., Tuesday, January 9, 1968.

On the roll call the vote was yeas 70—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Halleck, Hardin, Harper, Hoe, Hoffman, Holbrook, Hopkins, Irick, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 3—Blythe, James, Siemens.

The motion to adjourn was adopted.

## TUESDAY, JANUARY 9, 1968
## SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representative Cruse.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Morgan moved that the reading of the Journal of January 8, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 7,** by Representative Walters: A RESOLUTION relating to the construction of the Red River Dam.

**HR 8,** by Representatives R. L. Miller, Jones, Melton, Wright, Prather, Bleemel, Ray and Siemens. A RESOLUTION commemorating the late August F. Rosenberger.

**HB 44,** by Representatives Cox, Richey and Hopkins: AN ACT relating to mosquito control districts:

**HB 45,** by Representative Cox: AN ACT relating to the paying of employes.

**HB 46,** by Representative Hinkle: AN ACT relating to group insurance benefits for employes of district boards of education.

**HB 47,** by Representative Morgan: AN ACT relating to budgetary and financial administration of the General Assembly and the Legislative Research Commission.

**HB 48,** by Representative Louden: AN ACT relating to workmen's compensation.

**HB 49,** by Representative Curlin: AN ACT relating to public offices and employes.

**HB 50,** by Representatives Riddle and Wooley: AN ACT relating to the transmitting of false alarms and bomb threats.

**HB 51,** by Representatives Clapp and Maddox: AN ACT relating to Kentucky state-supported institutions of higher learning.

**HB 52,** by Representative Harper: AN ACT relating to fourth class cities.

**HB 53,** by Representatives Harper, Hoe and Lawson: AN ACT relating to auxiliary police forces in cities.

**HB 54,** by Representative Murphy: AN ACT relating to the Board of Claims.

**HB 55,** by Representative Ray: AN ACT relating to police officers in cities of the first class.

**HB 56,** by Representative Henry: AN ACT relating to the State Real Estate Commission.

**HB 57,** by Representative Isler: AN ACT relating to liability of owners and operators of motor vehicles.

### Committee Appointments

The Clerk read a report of the Committee on Committees appointing the following:

### Agriculture and Natural Resources

Richard Hopkins (D), Chairman
James E. Bruce (D), Vice Chairman
Bernard Keene (D), Vice Chairman

| | |
|---|---|
| Donald J. Blandford (D) | Walter F. Davis (R) |
| William M. Cox (D) | William H. DeMarcus (R) |
| Hayes M. Hampton (D) | Lavey Floyd (R) |
| Woodford F. May (D) | R. K. Keith (R) |
| Carl Mershon (D) | Herman Rattliff (R) |
| Jon E. Rickert (D) | T. C. Simmons (R) |
| Charles T. Walters (D) | Randolph Smith (R) |

### Banking and Insurance

Russell Reynolds (D), Chairman
Phillip E. King (D), Vice Chairman

James E. Bruce (D)
Brooks Hinkle (D)
John J. Isler (D)
Mrs. Mae Street Kidd (D)
Henry Maddox (D)
George T. Massey, Jr. (D)
Hughes McGill (D)
Tom Ray (D)

Carl Bamberger (R)
Bruce Blythe (R)
O. G. Coffey (R)
Harold DeMarcus (R)
R. K. Keith (R)
Randolph Smith (R)
Quentin Wesley (R)

### Business Organizations and Professions

James E. Murphy (D), Chairman
Gether Irick (D), Vice Chairman

Norbert L. Blume (D)
Ed Dawhare (D)
Mitchell B. Denham (D)
Mrs. Mae Street Kidd (D)
Phillip King (D)
Carl Mershon (D)
Needham Saylor (D)
H. W. Tobin (D)

Carl Bamberger (R)
Marge Cruse (R)
Ronald Halleck (R)
Kenneth Harper (R)
Robert L. Miller (R)
Will K. Peace (R)
Allen Russell (R)

### Cities

Clarence R. Miller (D), Chairman
John J. Isler (D), Vice Chairman (Subcommittee 2-6 Class)
George R. Siemens (D), Vice Chairman
(Subcommittee First Class Cities)

Mitchell B. Denham (D)
William Keith Henry (D)
Carl Mershon (D)
James E. Murphy (D)
Tom Ray (D)

Bruce Blythe (R)
George Greer (R)
Joseph Melton (R)
Eugene Stuart (R)
Charles W. Vanover (R)

Needham Saylor (D)
Louis Ballenger (R)
Charles Wheeler (R)
Dexter Wright (R)

**Counties and Special Districts**

Henry Maddox (D), Chairman
Franklin Webster (D), Vice Chairman

Darvin Allen (D)
Enoch O. Holbrook (D)
I. C. James (D)
J. C. Justice (D)
W. J. Louden (D)
Shelby McCallum (D)
Ralph Mitchell (D)
Joe Prather (D)
Lavey Floyd (R)
Gene Huff (R)
Leo Lawson (R)
Joseph Melton (R)
Frank Sartin (R)
John White (R)
Ruth Wolchik (R)

**Education**

Brooks Hinkle (D), Chairman
Charlie Lassiter (D), Vice Chairman
(Elementary and Secondary Education)
Sherman R. Arnett (D), Vice Chairman (Higher Education)
Darvin Allen (D), Vice Chairman (Educational Administration)

Everett Akers (D)
Gether Irick (D)
W. J. Louden (D)
Mrs. Nell Guy McNamara (D)
Dwight Wells (D)
Walter Baker (R)
Buford Clark (R)
Gene Huff (R)
Charles Jones (R)
Lloyd McKinney (R)
Will K. Peace (R)
John White (R)
Robert Wooley (R)

**Elections and Constitutional Amendments**

Shelby McCallum (D), Chairman
Lawrence Lankford (D), Vice Chairman

James Alexander (D)
Lloyd Clapp (D)
William Keith Henry (D)
Dwight Wells (D)
Louis Ballenger (R)
Carl Bowles (R)

Mrs. Nell Guy McNamara (D)
George T. Massey, Jr. (D)
Ralph Mitchell (D)
Joe Prather (D)
Buford Clark (R)
Harold DeMarcus (R)
Charles Jones (R)
Will K. Peace (R)
John White (R)

**Health and Welfare**

Mitchel B. Denham (D), Chairman
Ed Dawhare (D), Vice Chairman

Enoch O. Holbrook (D)
Lawrence Lankford (D)
Hughes McGill (D)
Foster Pettit (D)
Joe Prather (D)
Needham Saylor (D)
George R. Siemens (D)
Charles T. Walters (D)
Carl Bowles (R)
O. G. Coffey (R)
Marge Cruse (R)
Kenneth Harper (R)
Graddy Johnson (R)
Robert Miller (R)
Ruth Wolchik (R)

**Highways and Traffic Safety**

John O. Hardin III (D), Chairman
James Alexander (D), Vice Chairman

Everett Akers (D)
Darvin Allen (D)
Sherman R. Arnett (D)
Leo Bleemel (D)
Lawrence Lankford (D)
Charlie Lassiter (D)
Foster Pettit (D)
H. W. Tobin (D)
Jim Davis (R)
Kenneth Harper (R)
Harry Hoe (R)
Charles Jones (R)
Leo Lawson (R)
Herman Rattliff (R)
Frank Sartin (R)

**Judiciary**

Foster Pettit (D), Chairman
Phillip E. King (D), Vice Chairman

John O. Hardin III (D)
John Stanley Hoffman (D)
Walter Baker (R)
Buford Clark (R)

I. C. James (D)
Hughes McGill (D)
Tom Ray (D)
Jon E. Rickert (D)
Charles T. Walters (D)
Graddy Johnson (R)
Theron Kessinger (R)
Lloyd McKinney (R)
L. H. Richey (R)
Tom Riddle (R)

**Labor and Industry**

Norbert L. Blume (D), Chairman
Hayes A. Hampton (D), Vice Chairman

Everett Akers (D)
Donald J. Blandford (D)
Richard Hopkins (D)
J. C. Justice (D)
Charlie Lassiter (D)
Woodford F. May (D)
Russell Reynolds (D)
George R. Siemens (D)
Ronald B. Halleck (R)
Harry Hoe (R)
Theron Kessinger (R)
Tom Riddle (R)
Charles Vanover (R)
Quentin Wesley (R)
Robert Wooley (R)

**Public Utilities and Transportation**

Edward G. Brown (D), Chairman

William M. Cox (D)
William P. Curlin, Jr. (D)
Brooks Hinkle (D)
Howard Hunt, Jr. (D)
W. Terry McBrayer (D)
Fred Morgan (D)
James E. Murphy (D)
W. J. Reynolds (D)
H. W. Tobin (D)
Louis Ballenger (R)
Carl Bamberger (R)
Bruce Blythe (R)
Jim Davis (R)
L. H. Richey (R)
Eugene Stuart (R)
Dexter Wright (R)

**State Government**

Leo Bleemel (D), Chairman
William Keith Henry (D), Vice Chairman

James Alexander (D)
Julian M. Carroll (D)
Lloyd Clapp (D)
Howard P. Hunt, Jr. (D)
Walter Davis (R)
Theron Kessinger (R)
Tommy Riddle (R)
Allen Russell (R)

W. Terry McBrayer (D)
Clarence R. Miller (D)
Fred Morgan (D)
W. J. Reynolds (D)
Art Schmidt (R)
T. C. Simmons (R)
Charles Vanover (R)

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HR 7.**

The Honorable Frank W. Sower, Mayor of the City of Frankfort, made a welcoming address to the Assembly.

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, January 10, 1968.

On the roll call the vote was yeas 78—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Brown, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 4—Arnett, Blythe, James, King.

The motion to adjourn was adopted.

## WEDNESDAY, JANUARY 10, 1968

## EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tem McBrayer.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Blume, Cruse, Rattliff, R. Reynolds and Smith.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Morgan moved that the reading of the Journal of January 9, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 58,** by Representatives Riddle, C. R. Miller, Blume, Vanover, Murphy, Siemens and McGill: AN ACT relating to the retirement system for county police.

**HB 59,** by Representatives Blume, Lankford, Saylor, W. J. Reynolds, Vanover and Holbrook: AN ACT relating to workmen's compensation.

**HB 60,** by Representatives Pettit, Harper, McBrayer, Hoffman, Blythe and Hoe: AN ACT relating to the making, drawing, uttering or delivery of checks or other forms of commercial paper with intent to defraud.

**HB 61,** by Representative Bleemel: AN ACT relating to election challengers.

**HB 62,** by Representative Mershon: AN ACT relating to the retail sale of alcoholic beverages.

**HB 63,** by Representative Ray: AN ACT relating to comparative negligence in civil actions.

**HB 64,** by Representative Ray: AN ACT relating to motor vehicles.

**HB 65,** by Representative Ray: AN ACT relating to wrongful death.

**HB 66,** by Representative Ray: AN ACT relating to computation of interest on judgments.

**HB 67,** by Representative Ray: AN ACT relating to in personam jurisdiction over foreign corporations.

**HB 68,** by Representative Ray: AN ACT relating to presumption of notice.

**HB 69,** by Representative Ray: AN ACT relating to limitations on actions.

**HB 70,** by Representative Curlin: AN ACT relating to school districts.

**HB 71,** by Representative Holbrook: AN ACT relating to juries.

**HB 72,** by Representative Holbrook: AN ACT relating to constables.

**HB 73,** by Representatives Harper, Denham, Pettit, Vanover, Stuart, W. J. Reynolds, Wheeler, Holbrook, McKinney, Dawhare, White, Johnson, Cox, Akers, Alexander, Allen, Ball, Ballenger, Bamberger, Blandford, Bleemel, Clapp, Clark, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Hinkle, Hoe, Hopkins, Huff, Irick, Isler, Justice, Keith, Kessinger, Lankford, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Melton, Mershon, R. L. Miller, Mitchell, Peace, Prather, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Webster, Wells, Wesley, Wolchik, Wooley and Wright: AN ACT relating to mental health.

**HB 74,** by Representative James: AN ACT relating to illegitimate children.

### Committee Appointments

The clerk read a report of the Committee on Committees as follows:

Representative Pettit is removed from the Public Utilities and Transportation Committee with his consent.

Representative James Murphy is appointed to the Public Utilities and Transportation Committee.

House Speaker Julian Carroll has been appointed to the Judiciary Committee.

Representative Rickert is appointed to the Judiciary Committee.

Representative McBrayer is appointed to the State Government Committee.

The following representatives were appointed to the Enrolling Committee: John J. Isler, Chairman; Mrs. Nell Guy McNamara and William M. Cox.

Representative Mitchell B. Denham and Representative Needham Saylor are appointed to the Cities Committee.

Representative McCallum is appointed to the Appropriations and Revenue Committee.

Representative Carl Mershon is appointed to the Agriculture and Natural Resources Committee.

Representative Pettit asked for a roll call for those who wished to co-sponsor **HB 73.**

On the roll call the vote was yeas 63—Akers, Alexander, Allen, Ball, Ballenger, Bamberger, Blandford, Bleemel, Clapp, Clark, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Holbrook, Hopkins, Huff, Irick, Isler, Justice, Keith, Kessinger, Lankford, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Peace, Prather, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**Report of Committees**

The Committee on Agriculture and Natural Resources reported **HR 7** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 7,** A RESOLUTION relating to the construction of the Red River Dam.

WHEREAS, the Corps of Engineers of the United States Army have scheduled for construction a dam on the Red River in Kentucky; and

WHEREAS, the construction and maintenance of said dam will be of great economic benefit to the area in which it is located; and

WHEREAS, the dam, when constructed, will make available emergency water supplies which may be badly needed by many cities and population centers in central Kentucky; and

WHEREAS, by providing much needed flood control, such dam will be of great assistance in promoting the agricultural development of central and eastern Kentucky.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the federal authorities having control thereof be requested to proceed with the construction of the dam on the Red River at the earliest possible time; and

Be it further resolved that a copy of this resolution be forwarded by the Clerk of this House to the President of the United States, the Secretaries of Interior, Agriculture and Defense of the United States, to Senators John Sherman Cooper and Thruston B. Morton and to Congressmen John C. Watts and Carl D. Perkins, Representatives of Kentucky in the Congress of the United States.

The Committee on Committees reported **HR 8** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 8,** A RESOLUTION commemorating the late August F. Rosenberger.

WHEREAS, the recent death of August F. Rosenberger, on January 7th, 1968, has caused the Commonwealth of Kentucky

and the County of Jefferson the loss of an outstanding and memorable citizen, who has served as a director of the Jefferson County Farm Bureau, a director of the KYANA Milk Producers Asociation, and a leader in his community; and

WHEREAS, Mr. Rosenberger's contribution to the civic life of his community was of the highest, deserving of recognition and praise;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House adjourns on Tuesday, January 9th, 1968, it adjourn out of respect and in tribute to the late August F. Rosenberger.

Section 2. That this resolution commemorating Mr. Rosenberger be recorded for all posterity in the journals of the General Assembly and that copies of this resolution be sent to Mrs. Rosenberger.

The Speaker Pro Tem vacated the Chair. Speaker Carroll presiding.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 10.**

Banking and Insurance: **HB 19, HB 34, HB 46, HB 57.**

Cities: **HB 13, HB 14, HB 27, HB 31, HB 53, HB 55.**

Counties and Special Districts: **HB 5, HB 44.**

Education: **HB 16, HB 18, HB 35, HB 51.**

Elections and Constitutional Amendments: **HB 4, HB 7, HB 11, HB 17, HB 20, HB 21, HB 23, HB 25, HB 37, HB 38, HB 41, HB 52.**

Health and Welfare: **HB 26.**

Highways and Traffic Safety: **HB 3, HB 40.**

Judiciary: **HB 1, HB 2, HB 15, HB 28, HB 29, HB 33, HB 36, HB 43, HB 50.**

Labor and Industry: **HB 12, HB 30, HB 45, HB 48.**

Public Utilities and Transportation: **HB 6, HB 22, HB 42.**

State Government: **HB 8, HB 24, HB 32, HB 39, HB 47, HB 49, HB 54, HB 56.**

### Motion

Representative Walters moved the adoption of **HR 7.**

Representative Ballenger moved that **HR 7** be laid on the Clerk's Desk.

On the roll call the vote was yeas 10—Allen, Arnett, Ballenger, Blythe, Kidd, Louden, Massey, Mershon, Pettit, Prather, Rickert, Russell. Nays 60—Akers, Baker, Ball, Bamberger, Blandford, Bowles, Brown, Bruce, Clark, Cox, Curlin, J. A. Davis, W. F. Davis, Denham, Floyd, Greer, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, May, McBrayer, McGill, McNamara, Melton, R. L. Miller, Morgan, Murphy, Peace, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Schmidt, Smith, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright.

The motion to lay **HR 7** on the Clerk's Desk was rejected.

**HR 7** was adopted.

Representative R. L. Miller moved the adoption of **HR 8.** Agreed.

### Introduction of Bills and Resolutions

**HB 75,** by Representatives Pettit, Hoe, Harper, Johnson, Dawhare and Wooley. AN ACT relating to the offense of shoplifting and providing penalties therefor.

**HB 76,** by Representatives Huff, Clark, Peace and Bowles: AN ACT relating to compensation of election officers.

**HB 77,** by Representative Isler: AN ACT relating to judgments arising out of the operation of motor vehicles.

**HB 78,** by Representatives Denham, Pettit, Harper, Isler, Brown, Johnson, Wheeler, Holbrook, Lassiter, Wooley and Massey: AN ACT relating to education.

**HB 79,** by Representatives Brown and Massey: AN ACT providing for the control of Canada and Nodding Thistles.

**HB 80,** by Representatives Murphy, King and Bamberger: AN ACT relating to commercial improvement districts.

**HR 9,** by Representatives McCallum and Morgan: A CONCURRENT RESOLUTION relating to standard time in Kentucky.

Representative Morgan moved that the House adjourn until 11:00 a.m., Thursday, January 11, 1968.

On the roll call the vote was yeas 67—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Brown, Clapp, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wells, Wesley, Wheeler, White, Wooley. Nays 2—Blythe, Clark.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 11, 1968
## NINTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Cruse, Keith, McCallum, Siemens and Smith.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Isler moved that the reading of the Journal of January 10, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 81,** by Representatives Riddle and Bruce: AN ACT relating to campaign contributions and expenditures in elections.

**HB 82,** by Representative Lassiter: AN ACT relating to motor vehicles.

**HB 83,** by Representative Isler: AN ACT relating to absentee voting.

**HB 84,** by Representatives Bruce and Hardin: AN ACT relating to public offenses.

**HB 85,** by Representative Peace: AN ACT relating to licensing of motor vehicles.

**HB 86,** by Representative Peace: AN ACT relating to licensing motor vehicles.

**HB 87,** by Representative Peace: AN ACT relating to revenue.

**HB 88,** by Representatives Allen, Webster and McNamara: AN ACT relating to teachers' retirement.

**HB 89,** by Representatives Massey and Brown: AN ACT relating to circuit courts of continuous session in counties having less than 250,000 population.

**HB 90,** by Representative Cox: AN ACT relating to county treasurers.

**HB 91,** by Representatives Johnson and Rattliff: AN ACT relating to firefighters.

**HB 92,** by Representatives Allen, May, Dawhare, Akers, Wells, Holbrook, Ray, Blandford, Cox, Justice and Irick: AN ACT relating to juries.

**HB 93,** by Representatives King, Kessinger, Mershon, Murphy, Isler, Arnett and Clapp: AN ACT relating to riot control.

**HR 10,** by Representatives Peace, Lankford, Floyd, Kessinger, Richey, Jones, Huff, McKinney, White, W. F. Davis, Maddox, Saylor and Clark: A CONCURRENT RESOLUTION requesting the Department of Economic Security not to reduce the amount of Social Security payments.

**HR 11,** by Representatives Blume and Ball: A RESOLUTION honoring Carole Martin and extending to her the privilege of the floor.

## Report of Committees

The Committee on Appropriations and Revenue reported **HR 4** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 4,** A JOINT RESOLUTION making an appropriation to the Legislative Research Commission for special expenses incurred in connection with sessions of the General Assembly and declaring an emergency.

WHEREAS, additional personnel are necessary to expedite properly the business of the Senate and the House of Representatives; and

WHEREAS, the present appropriation of the Legislative Research Commission is insufficient to provide adequate clerical services to the General Assembly;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That there be appropriated out of the General Expenditure Fund to the Legislative Research Commission the sum of two thousand and eight hundred dollars ($2,800) per calendar day during all regular and special sessions of the General Assembly. This appropriation shall be available for expenditure during the 1967-1968 and 1969-1970 fiscal years.

WHEREAS, the General Assembly is now in session and it is necessary that these funds be available immediately, an emergency is declared to exist and this resolution shall become effective upon its passage and approval by the Governor, and shall be retroactive to include payment of compensation to such personnel from and including January 2, 1968.

Committee amendment to **HR 4** is as follows:

Amend printed copy of House Resolution 4 on page 1, line 3, by:

striking the words: "and eight hundred dollars ($2,800)"

and inserting in lieu thereof the words: "two hundred and fifty dollars ($2,250)"

The Committee on Committees reported **HR 11** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 11,** A RESOLUTION honoring Carole Martin and extending to her the privilege of the floor.

WHEREAS, Miss Carole Martin in recent years was of great assistance to members of the House of Representatives in her position as reporter for United Press International; and

WHEREAS, this House is honored to have Miss Martin as its guest for the day;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That Miss Carole Martin be and she hereby is extended the privilege of the floor of the House of Representatives on Thursday, January 11, 1968, and that she shall assume a place of honor next to the Speaker of this honorable body.

**Motions, Petitions, and Communications**

Representative Morgan moved the adoption of **HR 11.**

On the roll call the vote was years 84—Akers, Alexander, Allen, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Carroll, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McGill, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HR 11** was adopted and the title agreed to.

Representative Pettitt moved that the rules be suspended for the introduction of a Resolution. Agreed.

**Introduction of Bills and Resolutions**

**HR 12,** by Representatives Pettit, Denham and Harper: A CONCURRENT RESOLUTION relating to a tour of the Frankfort State Hospital and School by the General Assembly.

Representative Morgan moved that the House adjourn until 3:00 p.m., Monday, January 15, 1968.

On the roll call the vote was yeas 69—Akers, Alexander, Allen, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Hampton, Hardin, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Johnson, Jones, Justice, Keene, Kessinger, Kidd, Lankford, Lawson, Louden, Massey,

May, McBrayer, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, Rickert, Riddle, Russell, Saylor, Schmidt, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 1—King.

The motion to adjourn was adopted.

## MONDAY, JANUARY 15, 1968
## TWELFTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John C.Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Arnett, Bowles, Clapp, Clark, Floyd, Hoe, Huff, Isler, King, Lassiter, Maddox, McCallum, Melton, Mershon, Morgan, Rattliff, Russell, Saylor, Webster and Wells.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Denham moved that the reading of the Journal of January 11, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 94,** by Representative DeMarcus: AN ACT relating to crimes and punishments.

**HB 95,** by Representatives R. L. Miller, Kidd, Wolchik, Wheeler, Cruse and McNamara: AN ACT relating to selling of meat.

**HB 96,** by Representatives Riddle and Kessinger: AN ACT relating to parole.

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Health and Welfare: **HR 12.**

### Recess

Representative Denham moved that the House recess for ten minutes for a meeting of the Committee on Health and Welfare to examine **HR 12.**

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Committee Appointments

The Committee on Committees announced the following additional committee appointment:

Banking and Insurance—Representative Brooks Hinkle

### Report of Committees

The Committee on Health and Welfare reported **HR 12** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 12,** A CONCURRENT RESOLUTION relating to a tour of the Frankfort State Hospital and School by the General Assembly.

WHEREAS, the conditions of the State Hospital and School located at Frankfort has been the subject of much interest and concern; and

WHEREAS, in the interest of first hand information, many members of the General Assembly have indicated a desire to visit the hospital and school.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the House of Representatives and the Senate of the Commonwealth of Kentucky adjourn, or recess, whichever is feasible, at 2:00 p. m. on Wednesday, January 17, 1968, for the purpose of participation in a conducted tour of the Frankfort State Hospital and School.

Section 2. That an invitation be extended to Honorable Louie B. Nunn, Governor of the Commonwealth of Kentucky, and those of his staff who may wish to do so, to join the members of the General Assembly, on the tour of the Frankfort State Hospital and School.

Section 3. That a copy of this resolution be delivered to the Governor of Kentucky.

## Calendar

**HR 4** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Pettit moved the adoption of **HR 12.** Agreed.

Representative W. J. Reynolds moved that the House adjourn until 1:00 p.m., Tuesday, January 16, 1968.

On the roll call the vote was yeas 66—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Brown, Bruce, Coffey, Cox, James A. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Massey, May, McBrayer, McGill, McKinney, McNamara, Robert L. Miller, Mitchell, Murphy, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Smith, Stuart, Tobin, Vanover, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 1—Siemens.

The motion to adjourn was adopted.

## TUESDAY, JANUARY 16, 1968
## THIRTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John L. Hunt of the South Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Lassiter and Saylor.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Morgan moved that the reading of the Journal of January 15, 1968, be dispensed with and the same approved. Agreed.

### Recess

Representative W. J. Reynolds moved that the House recess for one hour for Democratic Caucus.

On the roll call the vote was yeas 54—Akers, Allen, Arnett, Baker, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Clark, Cox, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Hampton, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Justice, Keene, Kidd, Lankford, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster, Wells. Nays 32—Ball, Ballenger, Bamberger, Blythe, Bowles, Cruse, J. A. Davis, DeMarcus, Greer, Halleck, Harper, Hoe, Johnson, Jones, Keith, Lawson, Melton, R. L. Miller, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Simmons, Smith, Stuart, Vanover, Wesley, Wolchik, Wooley, Wright.

The motion to recess was adopted.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**Introduction of Bills and Resolutions**

**HR 13,** by Representatives Holbrook, Dawhare, Walters, Prather, Peace, Harper, Wolchik, W. J. Reynolds, Blandford and Lankford: A CONCURRENT RESOLUTION requesting and petitioning the Kentucky Department of Highways to complete the construction planned for U. S. Highway 119, from Whitesburg to Harlan, U. S. Highway 23, from Pikeville to Jenkins, and Kentucky Highway 15, from Hazard to Jenkins.

**HR 14,** by Representatives McNamara, Murphy, Harper and Schmidt: A RESOLUTION to adjourn the House of Representatives on Tuesday, January 16, 1968, in memory of Ernie Buecker.

**HR 15,** by Representative Murphy: A RESOLUTION inviting Rabbi Bernard Schwab of Ohavay Zion Synagogue, Lexington, Kentucky, to offer the opening prayer on Monday, January 29, 1968.

**HR 16,** by Representatives Riddle and McBrayer: A RESOLUTION proclaiming January 21-27, 1968, as "Jaycee Week" and providing that when the House of Representatives adjourns for the week of January 21-27, it do so in honor of the Jaycees.

**HR 17,** by Representatives Hardin and Bruce: A RESOLUTION relating to imported meats.

**HB 97,** by Representatives Wheeler, Halleck, Siemens, Holbrook, W. F. Davis, Henry and Vanover: AN ACT relating to cities.

**HB 98,** by Representative Isler: AN ACT relating to inheritance tax.

**HB 99,** by Representative Keene: AN ACT relating to the Uniform Commercial Code.

**HB 100,** by Representatives Wheeler and Halleck: AN ACT relating to the pay of precinct election officers.

**HB 101,** by Representatives Wheeler and Halleck: AN ACT relating to city police and fire departments.

**HB 102,** by Representatives Wheeler and Halleck: AN ACT relating to circuit courts having continuous session.

**HB 103,** by Representatives Wheeler and Halleck: AN ACT relating to bailiffs in circuit courts.

**HB 104,** by Representatives Wheeler and Halleck: AN ACT relating to pensions for police judges in second class cities.

**HB 105,** by Representative Murphy: AN ACT relating to jailers' fees.

**HB 106,** by Representatives Murphy, Mershon, Isler, Siemens, C. R. Miller, Bamberger, Lawson, Harper and Schmidt: AN ACT providing for fair trade minimum mark-up prices for the sale of malt beverages by retailers for consumption off the premises.

**HB 107,** by Representatives Allen, Justice, May, Akers, Blandford, Wells, Dawhare, Holbrook, Irick, Arnett, McKinney, Coffey, R. Reynolds, McGill and Kidd: AN ACT relating to public assistance.

**HB 108,** by Representative Cox: AN ACT relating to motor vehicles.

**HB 109,** by Representative DeMarcus: AN ACT relating to motor vehicles.

**HB 110,** by Representatives Wesley, Baker, R. L. Miller, Rattliff, Greer, Wolchik, Simmons, Cruse, Richey and McKinney: AN ACT relating to higher education.

## Report of Committees

The Committee on Cities reported **HB 13, HB 14, HB 27** and **HB 31** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 13,** AN ACT changing the classification of the City of Edgewood in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Edgewood in Kenton County is such as to justify its being classified as a city of the fourth class.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Edgewood in Kenton County, is transferred from the sixth to the fourth class of cities.

**HB 14,** AN ACT changing the classification of the City of Crestview Hills in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Crestview Hills in Kenton County is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Crestview Hills in Kenton County, is transferred from the sixth to the fifth class of cities.

**HB 27,** AN ACT changing the classification of the City of Southgate in Campbell County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Southgate in Campbell County is such as to justify its being classified as a city of the fourth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Southgate in Campbell County, is transferred from the fifth to the fourth class of cities.

**HB 31,** AN ACT changing the classification of the City of Clay City in Powell County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Clay City in Powell County is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Clay City in Powell County, is transferred from the sixth to the fifth class of cities.

## Motions, Petitions, and Communications

**HR 14:** A RESOLUTION to adjourn the House of Representatives on Tuesday, January 16, 1968, in memory of Ernie Buecker.

WHEREAS, Ernie Buecker, a friend and comrade of all those who served their country in the cause of liberty, has passed from the earthly scene; and

WHEREAS, Ernie Buecker will be long remembered as a leader in the cause for paying tribute to America's fighting men through his service to the American Legion;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives adjourns on Tuesday, January 16, 1968, it does so in memory of Ernie Buecker.

Representative McNamara moved the adoption of **HR 14.** Agreed.

## Recess

Representative Morgan moved that the House recess for five minutes for a meeting of the Rules Committee. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the rules be suspended to return to the Report of Committees. Agreed.

## Report of Committees

The Committee on Rules reported **HR 4** with Committee Amendment attached thereto with the expression of opinion that the same should pass.

## Orders of the Day

**HR 4**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Amendment to **HR 4**. Agreed.

Representative Morgan moved that **HR 4** as amended be placed upon its passage.

On the roll call vote was yeas 93—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Simmons.

**HR 4** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HR 4** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, January 17, 1968.

On the roll call the vote was yeas 63—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, James A. Davis, Dawhare, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Maddox, McBrayer, McKinney, Robert L. Miller, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Smith, Vanover, Webster, Wells, Wesley, White, Wooley, Wright. Nays 4—Floyd, James, Melton, Siemens.

The motion to adjourn was adopted.

## WEDNESDAY, JANUARY 17, 1968
## FOURTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John L. Hunt of the South Presbyterian Church, Frankfort.

The roll was called. All present except Representative Blythe.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 16, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 18,** by Representatives Denham, R. L. Miller, Halleck, Wheeler, Harper, J. Davis, Sartin, Richey, Floyd, Siemens, Murphy, Rickert, Walters, McBrayer, Isler and Arnett: A RESOLUTION requesting the Interstate Commerce Commission to require the Chesapeake and Ohio Railway Company to continue the operation of Trains Nos. 3 and 4 between Washington, D. C., and Cincinnati, Ohio, and Trains Nos. 47 and 46 between Ashland, Kentucky, and Detroit, Michigan.

**HB 111,** by Representatives Siemens, Riddle, McNamara, Hopkins, Halleck, Wheeler, C. R. Miller, Stuart, Kidd, Murphy, McGill and Blume: AN ACT relating to historic vehicles.

**HB 112,** by Representative Hoffman: AN ACT relating to operation of motor vehicles.

**HB 113,** by Representative J. A. Davis: AN ACT changing the classification of the City of Grayson in Carter County.

**HB 114,** by Representative Isler: AN ACT relating to revenue and taxation.

**HB 115,** by Representative Morgan: AN ACT relating to County Employes Retirement System.

**HB 116,** by Representative Morgan: AN ACT relating to State Police Retirement System.

**HB 117,** by Representatives Morgan and Lassiter: AN ACT relating to public schools.

**HB 118,** by Representative Morgan: AN ACT relating to the Kentucky Employes Retirement System.

**HB 119,** by Representatives Mershon and King: AN ACT relating to powers of cities of all classes to induce private enterprise to locate or relocate commercial projects within their boundaries.

**HB 120,** by Representatives R. L. Miller, Johnson, Smith, Wolchik and Cruse: AN ACT relating to abortion.

**HB 121,** by Representatives Prather, Justice and Irick: AN ACT relating to county court trial commissioners.

## Report of Committees

The Committee on State Government reported **HB 47** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 47,** AN ACT relating to budgetary and financial administration of the General Assembly and the Legislative Research Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 45.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Appropriation" means an authorization by the General Assembly to a budget unit to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in this chapter.

(2) "Appropriation Act" means an Act of the General Assembly that authorizes the expenditure of state money.

(3) "Budget" means the complete financial plan for each fiscal year as proposed in the budget report and modified and adopted by the appropriation and revenue Acts.

(4) "Budget class" means one of the kinds of expenditure denoting a class of services or commodities purchased or properties acquired as specified in the classification of expenditures provided for in this chapter, for use in expenditure accounting, in the making of budget estimates, and in the budget reports and budgets.

(5) "Budget estimate" means the statement with accompanying explanations, as provided in this chapter, in which a budget unit states its financial requirements and requests appropriations.

(6) "Budget report" means the recommendations of the Governor to the General Assembly as to financial plans and expenditures to be authorized, with the accompanying statements and explanations provided for in this chapter.

(7) "Budget unit" means a department or other unit of organization, *but does not include the General Assembly or the Legislative Research Commission,* for which separate appropriations are made from those for any other unit of organization.

(8) "Capital outlay" means the exchange of values involved in acquiring lands, buildings, equipment or other permanent properties, or in their construction, development or permanent improvement.

(9) "Disbursement" means cash actually paid out for any purpose.

(10) "Employe" means the lawful incumbent of a position as defined in this section.

(11) "Expenditures" means expenses and capital outlays.

(12) "Expenses" means values consumed in maintaining, managing and operating government services, in contributing to the cost of maintaining and operating public services supported

in whole or in part by the state, and in providing in accordance with law for any grants, aids, relief or compensation to individuals, whether such values are represented by cash paid out or by obligations to pay cash, or partly by each.

(13) "Operating receipts" means cash received by a budget unit for services rendered, or from the sale of materials, goods or supplies created by the budget unit.

(14) "Position" means any office or employment or combination of them, in the service of the state, involving duties to be performed and responsibilities to be exercised by one person.

(15) "Receipts" means cash actually received from any source.

(16) "Revenues" means values accruing without resultant increase in liabilities or decrease in assets, whether such values are represented by cash actually received or by amounts due and payable, or partly by each.

Section 2. Whereas, this General Assembly determines that it is proper and expedient for it to govern the policy and details of its fiscal management and to remove any question with respect to the Commissioner of Finance's duties under KRS Chapter 45, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

## Calendar

**HB 13, HB 14, HB 27** and **HB 31** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Senate Message

Announcing passage of **HR 12** and **SR 19.**

**Motions, Petitions, and Communications**

**SR 19:** A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

That when the Senate and the House of Representatives do adjourn on Thursday, January 18, 1968, they do so to convene again on Monday, January 22, 1968, at a time set by motion duly adopted by the respective Houses.

Representative Morgan moved the adoption of **SR 19.** Agreed.

Representative Morgan moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

**Introduction of Bills and Resolutions**

**HB 122,** by Representative Allen: AN ACT relating to public assistance.

**HB 123,** by Representatives Hinkle, Allen, McNamara and Arnett: AN ACT relating to the Teachers' Retirement System of the State of Kentucky.

**HB 124,** by Representatives Arnett, Hinkle, Louden, Coffey, Cox, May, J. Davis, McNamara, Allen and Holbrook: AN ACT relating to sick leave for teachers.

**HB 125,** by Representatives Hinkle, McNamara, Allen and Arnett: AN ACT relating to transfer of real property.

**HB 126,** by Representative Hinkle: AN ACT relating to education.

Representative Morgan moved that the House adjourn until 12:00 noon, Thursday, January 18, 1968.

On the roll call the vote was yeas 70—Akers, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Greer, Halleck, Harper, Hinkle, Hoe, Hoff-

man, Holbrook, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 3—Kessinger, King, Siemens.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 18, 1968
## FIFTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John L. Hunt of the South Presbyterian Church, Frankfort.

The roll was called. All present except Representatives McCallum, Peace and R. Reynolds.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 17, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 127,** by Representatives R. L. Miller, Floyd, Wesley, Coffey, Rattliff, Smith and McKinney: AN ACT relating to higher education.

**HB 128,** by Representative Blume: AN ACT relating to witnesses' fees.

**HB 129,** by Representative Isler: AN ACT relating to an appropriation from the General Expenditure Fund.

**HB 130,** by Representatives Lawson, Isler, Mershon, Bamberger and Sartin: AN ACT relating to taxes for school purposes.

**HB 131,** by Representatives McGill, C. R. Miller, Ray, Bleemel, Blume, Siemens, Keith, Murphy and Kidd: AN ACT relating to voter registration in cities of first class.

**HB 132,** by Representatives Siemens, Ray, Wheeler, Halleck, C. R. Miller, Melton, McGill, Blume and Kidd: AN ACT relating to councilmen of cities.

**HB 133,** by Representatives Baker, Denham, Akers, Allen, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Clark, Coffey, Cox, Cruse, Curlin, J. Davis, W. F. Davis, Dawhare, Floyd, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, James, Jones, Justice,

Keith, Kidd, King, Lankford, Lawson, Louden, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, C. R. Miller, R. L. Miller, Mitchell, Murphy, Peace, Prather, Rattliff, Ray, R. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley and Wright: AN ACT relating to expansion of Public Higher Education.

**HB 134,** by Representative Henry: AN ACT relating to county boards of registration and purgation.

**HR 19,** by Representatives Brown and Massey: A RESOLUTION relating to the Green and Barren Rivers.

**HR 20,** by Representative Arnett: A RESOLUTION adjourning the House of Representatives on Thursday, January 18, 1968, in memory of R. E. Hale.

**HR 21,** by Representative Wooley: A RESOLUTION commending and challenging the present younger generation of the Commonwealth of Kentucky.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 79, HB 95, HR 17.**

Appropriations and Revenue: **HB 87, HB 98, HB 114, HB 125.**

Banking and Insurance: **HB 60, HB 77.**

Business Organizations and Professions: **HB 62, HB 106.**

Cities: **HB 97, HB 101, HB 104, HB 113, HB 119.**

Counties and Special Districts: **HB 70, HB 72, HB 80, HB 90, HB 105, HB 121.**

Education: **HB 78, HB 88, HB 110, HB 117, HB 123, HB 124, HB 126.**

Elections and Constitutional Amendments: **HB 61, HB 76, HB 81, HB 83, HB 100.**

Health and Welfare: **HB 73, HB 74, HB 96, HB 107, HB 120, HB 122, HR 10.**

Highways and Traffic Safety: **HB 64, HB 82, HB 85, HB 86, HR 13.**

Judiciary: **HB 63, HB 65, HB 66, HB 67, HB 68, HB 69, HB 71, HB 75, HB 84, HB 89, HB 92, HB 93, HB 94, HB 99, HB 102, HB 103.**

Labor and Industry: **HB 59, HB 91.**

Public Utilities and Transportation: **HB 111, HB 112, HR 18.**

State Government: **HB 58, HB 108, HB 109, HB 115, HB 116, HB 118, HR 9.**

## Report of Committees

The Committee on Committees reported **HR 15** and **HR 16** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 15,** A RESOLUTION inviting Rabbi Bernard Schwab of Ohavay Zion Synagogue, Lexington, Kentucky, to offer the opening prayer in the House of Representatives on Monday, January 29, 1968.

WHEREAS, the House of Representatives follows the practice of opening each session with a prayer offered by a member of the clergy; and

WHEREAS, Rabbi Bernard Schwab is the spiritual leader of Congregation Ohavay Zion Synagogue in Lexington, Kentucky:

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Rabbi Bernard Schwab of Ohavay Zion Synagogue, 120 W. Maxwell, Lexington, Kentucky, be invited to offer the opening prayer in the House of Representatives on Monday, January 29, 1968.

**HR 16,** A RESOLUTION proclaiming January 21-27, 1968, as "Jaycee Week" and providing that when the House of Representatives adjourns for the week of January 21-27, it do so in honor of the Jaycees.

WHEREAS, the Kentucky Jaycees are an organization of young men committed to the principle of community development through leadership training; and

WHEREAS, the contributions of the more than five thousand Kentucky Jaycees, acting through more than one hundred and twenty local chapters, vitally affect the growth, prosperity and future of their own communities; and

WHEREAS, the acceptance by these future leaders of our communities of individual responsibility of participation in such areas as governmental affairs, youth and sports, public health and safety, agriculture and conservation, community development and leadership training is important to the future of this Commonwealth as a whole; and

WHEREAS, the measure of their devotion to these programs was reorganized nationally last year by a series of honors and awards, culminating in their formal recognition as the finest Jaycee organization in the United States; and

WHEREAS, the continued success of our form of government is dependent upon such organizations which challenge the strength, vitality and purpose of each new generation of Kentuckians;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the week of January 21-27 is hereby proclaimed as "Jaycee Week."

Section 2. That copies of this resolution be sent to the President of the Kentucky Jaycees, James Fitzwater, P. O. Box 4, Somerset, Kentucky, 42501 and to the President of the United States Jaycees, James Antell, P. O. Box 7, Tulsa, Oklahoma, 74102.

Section 3. That when the House of Representatives adjourns for the week of January 21-27, it do so in honor of the Jaycees.

The Committee on Counties and Special Districts reported **HB 44** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 44,** AN ACT relating to mosquito control districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 249.540 of the Kentucky Revised Statutes is amended to read as follows:

*(1) Before a mosquito control district shall be established, a petition shall be circulated in the county in which the district is proposed to be established and signed by a number of duly qualified voters of the county in which it is circulated equal to twenty-five percent of the number who voted in the last general election in that county. The petition shall contain the name and address of each petitioner and the date of signing.* [(1) Ten per cent of the qualified electors voting in the last general election in any county may petition the fiscal court that the proposition of creating, establishing and maintaining a county mosquito control district be submitted to the voters of the county at the next general election held in the county that does not occur within less than ninety days after filing of the petition.]

*(2) Every petition for the establishment of a mosquito control district shall be filed with the fiscal court of the county in which it is circulated not more than ninety days after the date of the first signature. Several similar petitions or duplicate copies of the same petition shall be together regarded as one petition, and all such petitions shall be considered as though filed with the first copy placed on file.* [(2) The petition may consist of one or more separate units and shall be filed with the county clerk. Each subscriber to the petition shall state his name, post office address, the voting precinct in which he is registered, and the date of signing.]

(3) No subscriber may withdraw his name or have it taken

from the petition after the petition has been filed. If the name of any person has been placed on the petition without his authority, he may appear before the fiscal court before *any resolution establishing a mosquito control district is adopted* [the election is ordered] and, upon proof that his name was placed on the petition without his authority, his name may be eliminated by an order of the court.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon the receipt of a duly certified petition for the establishment of a mosquito control district signed by a number of duly qualified voters or the county in which it is circulated equal to twenty-five percent of the number who voted in the last general election in the county, the fiscal court shall adopt a resolution ordering the levy of not more than ten cents on each one hundred dollars worth of property assessed for local taxation.

(2) The petition for the establishment of a mosquito control district shall be in substantially the following form:

The following duly qualified voters of (insert the name of the county) hereby petition the (insert the name of the county) Fiscal Court to establish a mosquito control district which shall have the authority to impose a special ad valorem tax not to exceed ten cents on each one hundred dollars worth of property assessed for local taxation in the district for the maintenance and operation of the (insert the name of the district) mosquito control district.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Upon the filing of a duly certified petition for the dissolution of a mosquito control district signed by a number of duly qualified voters of the county in which it is circulated equal to twenty-five percent of the number who voted in the last general election in that county, the fiscal court of the county shall consider the need for the dissolution of the district and may act upon the petition by adopting a resolution ordering the dissolution of the district.

(2) The petition for the dissolution of the district shall be in substantially the following form:

"The following qualified voters in (insert the name of the county) favor dissolving the (insert the name of the district) Mosquito Control District."

(3) The petition shall contain the name and address of each petitioner and shall be presented to the fiscal court within ninety days after having been signed by the first petitioner.

(4) Upon the receipt of the resolution of the fiscal court ordering the dissolution of the district, the county clerk shall remove the tax levy from the tax bills of the property owners of the district and the district shall be dissolved.

(5) Within ninety days after a district has been dissolved, the board shall proceed to terminate the affairs of the district. After payment of all obligations, any moneys remaining in the mosquito control district treasury, property, buildings, equipment or other items owned by the district shall become the property of the county.

Section 4. Sections 249.550 and 249.630 of the Kentucky Revised Statutes are repealed.

## Calendar

**HB 47** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Riddle moved the adoption of **HR 16.** Agreed.

## Recess

Representative Morgan moved that the House recess for thirty minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the Rules be suspended for Report of Committees. Agreed.

**Report of Committees**

The Committee on Committees reported **HR 20** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 20,** A RESOLUTION adjourning the House of Representatives on Thursday, January 18, 1968, in memory of R. E. Hale.

WHEREAS, our friend and colleague, Robert Earl Hale, has departed from this earthly life, to the great sorrow of all those fortunate enough to share the benefits of his acquaintance; and

WHEREAS, this illustrious gentleman served nobly and well his constituents and the citizens of the Commonwealth during recent years as a member of the Kentucky House of Representatives; and

WHEREAS, the sympathies of the House of Representatives go out to the loved ones he has left behind.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns on Thursday, January 18, 1968, it does so in memory of Robert Earl Hale.

Section 2. That the Clerk of the House of Representatives be directed to send a copy of this resolution to Mrs. Hale.

**Motions, Petitions, and Communications** (Cont.)

Representative Arnett moved the adoption of **HR 20.** Agreed.

Representative Murphy moved the adoption of **HR 15.** Agreed.

**Senate Message**

Announcing passage of **SB 18.**

Representative Morgan moved that the House adjourn until 8:00 p.m., Monday, January 22, 1968.

On the roll call the vote was yeas 65—Akers, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Carroll, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Harper, Hinkle, Hoffman, Holbrook, Huff, Irick, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Smith, Stuart, Tobin, Webster, Wells, Wheeler, White, Wolchik. Nays 5—Bamberger, Clark, Halleck, Melton, Siemens.

The motion to adjourn was adopted.

## MONDAY, JANUARY 22, 1968

## SEVENTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representatives Blythe and Stuart.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of January 18, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 135,** by Representatives Sartin, Bamberger, Lawson, McKinney, Coffey and Simmons: AN ACT relating to revenue and taxation.

**HB 136,** by Representative McNamara: AN ACT relating to excavations and surface disturbances by pipe line companies.

**HB 137,** by Representative Mershon: AN ACT relating to elections.

**HB 138,** by Representative Peace: AN ACT proposing an amendment to Section 172 of the Constitution of Kentucky, relating to property assesment.

**HB 139,** by Representatives Blume, Siemens, Jones, and Kidd: AN ACT relating to public utilities.

**HB 140,** by Representatives Blume, Siemens and Kidd: AN ACT relating to boards of waterworks of first class cities.

**HB 141,** by Representatives Saylor, Lankford, White and Peace: AN ACT relating to public assistance.

**HB 142,** by Representatives Denham, Pettit, Johnson and Wooley: AN ACT relating to the protection of the eyes of per-

sons in classrooms and laboratories used in conducting courses in vocational, industrial arts, and chemical-physical courses in educational institutions.

**HB 143**, by Representative Ballenger: AN ACT relating to campaign contributions and expenditures in elections.

**HB 144**, by Representative Holbrook: AN ACT relating to exemptions.

**HB 145**, by Representatives Hunt and Pettit: AN ACT relating to the Board of Trustees of the University of Kentucky, and to the Boards of Regents of Eastern Kentucky University, Morehead State University, Murray State University, Western Kentucky University and Kentucky State College.

**HB 146**, by Representatives Kidd, McGill, Blume and R. Reynolds: AN ACT to provide incentives for the development of employment programs.

**HB 147**, by Representative Pettit: AN ACT relating to the educational qualifications of practitioners of the healing arts.

## Calendar

**HB 44** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Recess

Representative Morgan moved that the House recess for five minutes for a meeting of the Rules Committee. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the rules be suspended to return to the Report of Committees. Agreed.

## Report of Committees

The Committee on Rules reported **HB 13, HB 14, HB 27, HB 31,** and **HB 47** with the expression of opinion that the same should pass.

## Orders of the Day

**HB 13** taken from Orders of the Day and ordered read at length for the third time. Representative Harper moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 13** was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 13** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 14** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 94—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus,

Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 14** was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 14** was passed be reconsidered and said motion be laid on the table.

**HB 27** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 27** was passed and the title agreed to.

**HB 31** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 95—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russel Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 31** was passed and the title agreed to.

Representative Walters moved that the vote by which **HB 31** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Tuesday, January 23, 1968.

On the roll call the vote was yeas 81—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 4—Clark, Halleck, Murphy, Siemens.

The motion to adjourn was adopted.

## TUESDAY, JANUARY 23, 1968

## EIGHTEENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representative Maddox.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of January 22, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 148,** by Representatives Pettit and McGill: AN ACT relating to foods, drugs and poisons.

**HB 149,** by Representatives Sartin, Hoe, Coffey, Lawson, and Bamberger: AN ACT relating to county law libraries.

**HB 150,** by Representatives Brown, Hoe and Massey: AN ACT relating to crime and punishment.

**HB 151,** by Representative Louden: AN ACT proposing to amend Section 157 of the Constitution of Kentucky relating to local revenue and finance.

**HB 152,** by Representatives Brown, Hoe and Massey: AN ACT relating to the office of jailer.

**HB 153,** by Representatives Brown, Hoe and Massey: AN ACT relating to prisoners and persons under arrest.

**HB 154,** by Representatives Murphy, Lawson, Cruse, Mershon and Isler: AN ACT relating to automobile liability insurance for state police and making an appropriation therefor.

**HB 155,** by Representative Isler: AN ACT relating to purgation of voters.

**HB 156,** by Representatives Denham, Siemens, Jones and Peace: AN ACT relating to air guns.

**HB 157,** by Representatives C. R. Miller, Blume, Irick, Kidd, Hopkins, Ray, Bleemel, Isler, McGill, May, Henry, Murphy and Siemens: AN ACT relating to license taxes in cities of the first class.

**HB 158,** by Representative Hoe: AN ACT relating to purgation of voters.

**HB 159,** by Representative Hoe: AN ACT requiring the attendance of a licensed physician at certain high school athletic contests.

**HB 160,** by Representatives Cruse, C. R. Miller, Brown, Murphy, R. L. Miller, Harper and Wolchik. AN ACT prohibiting the use of trading stamps by retailers of gasoline.

**HB 161,** by Representatives Siemens and McGill: AN ACT relating to license plates on motor vehicles.

**HB 162,** by Representatives Siemens, C. R. Miller and Vanover: AN ACT relating to safety and health of employes.

**HB 163,** by Representatives Siemens, McGill and Kidd: AN ACT relating to teachers.

**HB 164,** by Representatives Blume, McGill, C. R. Miller and Siemens: AN ACT relating to compensation of election officers.

**HB 165,** by Representative Allen: AN ACT relating to public records.

**HB 166,** by Representative Pettit: AN ACT relating to conveyances.

**HB 167,** by Representative Pettit: AN ACT relating to master commissioners and receivers.

## Senate Message

Announcing passage of **SB 19, SB 20, SB 21.**

**Report of Committees**

The Committee on Health and Welfare reported **HR 10** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 10,** A CONCURRENT RESOLUTION requesting the Department of Economic Security not to reduce the amount of payments to the needy aged due to an increase in the amount of Social Security payments.

WHEREAS, the Department of Economic Security makes public assistance grants to needy aged persons in accordance with the provisions of KRS Chapter 205; and

WHEREAS, Congress has voted an increase in benefits for those persons who are eligible for Social Security; and

WHEREAS, the increase approved by Congress will be meaningless if the Department of Economic Security decreases its aid proportionately; and

WHEREAS, due to the rapid rise in the cost of living, our elderly citizens should in fact receive the benefits approved by Congress;

NOW THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Department of Economic Security is hereby requested not to reduce the amount of payments to the needy aged due to an increase in the amount of Social Security payments.

The Committee on Appropriations and Revenue reported **HB 9** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

There was also a minority report on **HB 9** with the expression of opinion that the same should not pass.

**HB 9,** AN ACT relating to general appropriations to the

Legislative Research Commission for the operation, maintenance, support, and functioning of the Legislative Branch of government and its agencies of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

## PART ONE
## GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1968, and ending June 30, 1969, and for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the following sums:

A. Legislative Sessions.

1968-1969 ..... $ 448,400
1969-1970 ..... $1,276,650

Includes monthly expense allowance authorized by the enactment of House Bill 32 of the 1966 General Assembly and the publishing of the Acts and Journals. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

B. Legislative Research Commission.

1968-1969 ..... $ 557,640
1969-1970 ..... $ 641,286

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

C. Legislative Audit Committee.

1968-1969 ..... $ 100,000
1969-1970 ..... $ 100,000

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

D. Speaker of House of Representatives. For salaries and expense of the Office of Speaker of House of Representatives.

1968-1969 ..... $ 25,000
1969-1970 ..... $ 25,000

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

E. Council of State Governments.

1968-1969 ..... $ 14,000
1969-1970 ..... $ 20,200

## PART TWO
## REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the Legislature Research Commission for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, all of the receipts from the sale of publications relating to Kentucky Revised Statutes and Administrative Regulations in addition to the $175,000 appropriation made in House Bill 1 of the 1966 General Assembly and the unexpended balance for the fiscal year ending June 30, 1968. All deposits are to be made to the accounts of the following funds:

A. Statute Revision Printing Fund.

B. Administrative Regulations Fund.

---

TOTAL—LEGISLATIVE

1968-1969 ..... $1,145,040
1969-1970 ..... $2,063,136

---

Committee Amendment to **HB 9** is as follows:

Amend printed copy of House Bill 9 on page 1, lines 9 & 10, by: amending lines 9 and 10 to read:

1968-1969 ..... $ 348,400
1969-1970 ..... $1,176,650

and on page 3, lines 14 and 15, by amending 14 and 15 to read:

1968-1969 ----------$1,045,040
1969-1970 ----------$1,963,136

The Committee on Appropriations and Revenue reported **HB 10** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 10**, AN ACT relating to appropriations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 45.120 of the Kentucky Revised Statutes is repealed.

Section 2. Whereas, it is necessary for the General Assembly to appropriate money on an annual or biennial basis to discharge properly its authority under the Constitution, an emergency is declared to exist and this Act shall become effective on its passage and approval by the Governor.

The Committee on Elections and Constitutional Amendments reported **HB 4, HB 20** and **HB 23** with the expression of opinion that the same should pass.

The Committee on Health and Welfare reported **HB 73** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 73**, AN ACT relating to mental health.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) There is hereby created a Medical School-Mental Health Coordinating Committee. The committee shall include the following ex-officio members: The Dean of the College of Medicine of the University of Kentucky; the Dean of the School

of Medicine of the University of Louisville; the Commissioner of Mental Health; and the Deputy Commissioner of Mental Health for Mental Retardation. In addition, the Governor shall appoint the following members: a qualified private physician with approved training in psychiatry, a member of the Senate and a member of the House of Representatives of Kentucky. Terms of appointed members of the committee shall be two years. Members of the committee shall serve without pay, but shall receive their actual and necessary expenses incurred while on the business of the committee.

(2) The committee shall hold fixed regular meetings, no less than one every two months, at a time and place designated by the committee. The committee shall elect a chairman and a secretary, and is authorized to enact by-laws for the conduct of its meetings, for the conduct of routine business between meetings, and to establish procedures for calling special meetings of the committee.

(3) The purpose of the committee shall be to establish and improve active coordination between the University medical schools of the Commonwealth and those institutions of the Department of Mental Health located in areas close to the medical schools. In furtherance of the committee's purpose, its duties shall include:

(a) Review of plans for any new state mental health or mental retardation institution to be located in areas close to the medical schools;

(b) Promotion of affiliation of the medical schools with the state institutions in their areas, particularly with Central State Hospital and with Eastern State Hospital; and

(c) To continuously examine and develop areas of possible cooperation between the schools and state institutions in their areas, to include but not to be limited to methods of sharing available facilities in the most economical and useful manner.

The Committee on Cities reported **HB 113** with the expression of opinion that the same should pass. Read at the length for the first time and ordered placed in the Calendar.

**HB 113,** AN ACT changing the classification of the City of Grayson in Carter County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Grayson in Carter County is such as to justify its being classified as a city of the fourth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Grayson, in Carter County, is transferred from the fifth to the fourth class of cities.

Representative Morgan questioned the legality of the Minority report on **HB 9** citing the 1968 Rules adopted by the House of Representatives. Minority Leader Ball withdrew the report on **HB 9.**

Representative Ballenger moved that **HB 4, HB 20** and **HB 23** be recommitted to the Committee on Elections and Constitutional Amendments until a majority of the committee members sign the report to comply with the Rules. Agreed.

The Committee on Rules reported **HB 44** with the expression of opinion that the same should pass.

**Motions, Petitions, and Communications**

**HR 21:** A RESOLUTION commending and challenging the present younger generation of the Commonwealth of Kentucky.

WHEREAS, the average age in this country is already 25; and

WHEREAS, your generation is unquestionably the most highly educated this world has ever known, facing problems this world has never seen, but also coupled with opportunities for personal security and growth greater than those ever before within the grasp of all mankind; and

WHEREAS, your generation has already proven itself to be deeply concerned with the great problems of peace, justice,

poverty, racial equality and morality by your responsible participation in countless thousands of wholesome and worthwhile projects that have gone unheralded in this news hungry world where too often the bizarre and unusual receive the front page and camera attention, and thus you as a group are made to bear the stigma of the minute fraction who are the lawless, the hippies, the irresponsible, the creators of campus disruption, the draft dodgers and the amoral; and

WHEREAS, the future of civilized society depends upon the moral fiber of its members and upon the rule of law, and sooner than you may expect this responsibility shall rest upon your shoulders;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That this body does hereby publicly commend and recognize the overwhelming majority of you for your truly representative stand for decency, responsibility and lawfulness.

Section 2. That we do challenge you to now take an even greater leadership role in your work-a-day or campus world, communicating these standards to your peers to the end that the future of all our dreams may come about through the framework of law and order.

Representative Wooley moved the adoption of **HR 21.** Agreed.

## Orders of the Day

**HB 47** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the following amendment to **HB 47**:

Amend printed copy of House Bill 47 on page 2, line 18, by: following the word *"include"* inserting the words:

*"for the purposes of preparation and submission of the budget report"*

and on page 3, line 23, by:

deleting the words "its fiscal management" and inserting in lieu thereof the words:

"the preparation and submission of its budget report"

Agreed.

Representative Morgan moved the adoption of **HB 47** as amended.

On the roll call the vote was yeas 95—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 2—DeMarcus, Riddle.

**HB 47** as amended was passed and the title agreed to.

**HB 44** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 93—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson,

Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 44** was passed and the title agreed to.

Representative Cox moved that the vote by which **HB 44** was passed be reconsidered and said motion be laid on the table. Agreed.

**Senate Message**

Announcing passage of **SB 41.**

To clarify the rejection of certain committee reports, the Speaker ruled that Rule 46 of the adopted House Rules would be enforced until it is amended or repealed.

Representative Morgan moved that the House adjourn until 2:00 p.m., Wednesday, January 24, 1968.

On the roll call the vote was yeas 57—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clark, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Hopkins, Irick, Johnson, Jones, Justice, Keith, Kidd, Lassiter, Lawson, Louden, May, McKinney, McNamara, Melton, Mershon, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Sartin, Schmidt, Smith, Vanover, Wesley, White, Wolchik, Wooley, Wright. Nays 1—King.

The motion to adjourn was adopted.

## WEDNESDAY, JANUARY 24, 1968
## NINETEENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representative Smith.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of January 23, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 168,** by Representatives Walters and Harper: AN ACT relating to the sale of gasoline.

**HB 169,** by Representative Peace: AN ACT relating to attorneys.

**HB 170,** by Representative McBrayer: AN ACT concerning procedure of state administrative agencies and review of their determinations.

**HB 171,** by Representatives Pettit, Ball, Harper and Denham: AN ACT entering into the Interstate Compact on the Mentally Disordered Offender, and providing for the implementation thereof.

**HB 172,** by Representatives King, McGill, Kessinger, Isler, Siemens, C. R. Miller, Murphy, Mershon and Lawson: AN ACT relating to public road districts.

**HB 173,** by Representatives Brown and Massey: AN ACT relating to the Eighth Circuit Court District, a court of continuous session consisting of Warren County; creating an additional judge therefor.

**HR 22,** by Representatives McNamara and Denham: A RESOLUTION adjourning the House of Representatives on Wednesday, January 24, 1968, in memory of Bain "Tiny" Jones.

**HR 23,** by Representatives Dawhare, Justice, Akers, Irick and R. Reynolds: A RESOLUTION urging the U.S. Crops of Engineers to build the Kingdom Come Reservoir.

**HR 24,** by Representative Holbrook: A RESOLUTION to adjourn the House of Representatives on Wednesday, January 24, 1968, in memory of Mrs. Cice Strong.

**HB 174,** by Representatives Stuart, Vanover, Ballenger, Riddle, Wright, Halleck, Hoe, Siemens, Jones, Kidd and Blume: AN ACT relating to garnishment proceedings.

**HB 175,** by Representative Hoe: AN ACT relating to motor vehicle operator licensing.

## Report of Commitees

The Committee on Committees reported **HR 19** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 19,** A RESOLUTION relating to the Green and Barren Rivers.

WHEREAS, the dam and locks on the Green River at Woodbury, Kentucky, were under the control and supervision of the U. S. Army Corps of Engineers from 1882 until 1965 when the locks were destroyed by the river; and

WHEREAS, as a result of the failure of such dam and locks the upper Green and the Barren Rivers have not been navigable since 1965; and

WHEREAS, the fact that the upper Green and Barren Rivers have not been navigable has severely damaged the economy of the area near Woodbury;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the U. S. Army Corps of Engineers be requested to take whatever steps as are necessary to restore the upper Green and Barren Rivers to a navigable condition at the earliest possible time; and

That a copy of this resolution be forwarded to the U. S. Army Corps of Engineers, to Senators John Sherman Cooper and Thruston B. Morton and to Representatives Frank A. Stubblefield, William H. Natcher, Gene Snyder, William Cowger, Dr. Tim Lee Carter, John C. Watts and Carl D. Perkins.

The Committee on State Government reported **HB 49** with Committee Amendment attached thereto, **HB 54, HB 108** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 49,** AN ACT relating to public offices and employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Annual or vacation leave with pay for persons in the service of the Commonwealth shall be fixed under KRS 18.170(2), 18.210(9) and 18.220(4) on the basis of one and one-half day of annual or vacation leave for each month of employment as defined by rules adopted under KRS 18.170.

Section 2. KRS 2.110 is amended to read:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Veterans Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, [on which all the public offices of this Commonwealth may be closed;] and, subject to the provisions of subsection (2) hereof, shall be considered as

Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) Any bank, trust company, or combined bank and trust company may, at its option, either close or remain open for business on the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 3rd day of June (Confederate Memorial Day, and Jefferson Davis Day), the 12th day of October (Columbus Day), and the 11th day of November (Veterans Day). Any bank, trust company, or combined bank and trust company electing to remain open on such of the above mentioned holidays may do so and as to such bank, trust company, or combined bank and trust company such day or days shall not constitute a holiday within the meaning of the provisions of the negotiable instrument law or any other law of the Commonwealth and such bank, trust company, or combined bank and trust company shall incur no liability by reason of remaining open on such holiday, provided that any bank, trust company, or any combined bank and trust company, electing to remain open on any of the above mentioned holidays which occurs on a Monday, Tuesday, Wednesday, Thursday or Friday shall remain closed the following Saturday. If any such bank, trust company, or combined bank and trust company elects to close on such holidays, any act authorized, required or permitted to be performed at or by such bank, trust company or combined bank and trust company, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from remaining closed notwithstanding the provisions of any law of this Commonwealth to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the aforementioned legal holidays of any act by any person or bank or trust company, or combined bank and

trust company, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other transaction by any person or bank or trust company or combined bank and trust company because done or performed during any of the aforesaid holidays, notwithstanding the provisions of any other law of this Commonwealth to the contrary.

(3) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

*(4) All public offices of this Commonwealth may be closed on all of the holidays specified in subsection (1) except that on the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 3rd day of June (Confederate Memorial Day) and the 12th day of October (Columbus Day) such offices shall remain open for business.*

Committee Amendment to **HB 49** is as follows:

Amend printed copy of House Bill 49 on page 1, line 5, by:

striking the words "as defined by rules adopted under KRS 18.170"

and inserting in lieu thereof the words:

"for employes having more than five years of service; one and one-fourth days for each month of employment for employes having more than one year and less than five years of service; and one day for each month of employment for employes having less than one year of service as defined by rules adopted under KRS 18.170. Annual or vacation leave under this section may accumulate, if not taken, up to a total of thirty-six days."

and on page 4, lines 4 and 5 by striking the words *"the 12th day of February (Lincoln's Birthday),"*

**HB 54,** AN ACT relating to the Board of Claims.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Any claim which may be adjudicated by the Board of Claims

pursuant to KRS 44.070, wherein the total amount sought is less than five hundred dollars, exclusive of interest and costs, may be informally asserted by a letter, which letter shall state the basis of the claim and be filed with the board. If, after investigating the claim, the agency head concerned and the Attorney General each file with the board a recommendation that the claim be paid, in whole or in part, the board may make an appropriate award, which award shall be for less than five hundred dollars and shall not exceed the amount of the payment recommended by the Attorney General. The board may require that the claim be filed, prosecuted, heard or disposed of in the same manner as claims wherein the amount sought is five hundred dollars or more.

**HB 108,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Every state owned motor vehicle, except as provided in Section 2 of this Act, shall have an official license plate. Except as provided in Sections 2 and 3 of this Act, on one door on each side of every state owned vehicle shall be the great Seal of the Commonwealth and the words "For official use only."

Section 2. The departments of Revenue, Public Safety, Attorney General and the Crime Commission may authorize registration under KRS 186.020 and be issued regular license plates for vehicles used for investigatory purposes.

Section 3. The Governor and the Lieutenant Governor may each use one state owned motor vehicle which need not have the state seal or the words "For Official Use only."

The Committee on Public Utilities and Transportation reported **HB 111** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 111,** AN ACT relating to historic vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In enacting this Act, it is the intention of the General Assembly to recognize the special value of historic vehicles to the Commonwealth, and also to recognize that historic vehicles, because of their limited use and easily identifiable characteristics, do not require the same degree of regulation as other vehicles.

Section 2. As used in this Act, unless the context otherwise requires, "Historic Vehicle" shall mean all motor vehicles manufactured prior to 1932, which are used primarily for exhibition in shows, parades, tours and other special uses, but not for general transportation.

Section 3. Historic vehicles shall be registered and licensed by the Department of Revenue. Such registration shall be in lieu of registration and license required by KRS 186.020 to 186.270.

Section 4. Upon payment of a fee of fifteen dollars and an application in accordance with regulations issued by the Department of Revenue, the Commissioner of Revenue shall issue a certificate of registration and two special license plates of a different color and design than the regular license plate, which, in the judgment of the Commissioner of Revenue, will best advertise, popularize and promote the Commonwealth of Kentucky. These plates, besides the word "Kentucky" shall have the words, "Historic Motor Vehicle" inscribed in a conspicuous manner and carry no year date. These plates shall have a serial number beginning with the number "one hundred" and continue in a consecutive numerical sequence.

Section 5. The registration license and license plates of historic motor vehicles shall be valid without renewal as long as the vehicle is in existence. If the historic motor vehicle is sold, the registration and license shall be assigned and transferred to the new owner on the records of the Department of Revenue upon receipt of an application in accordance with regulations issued by the department and payment of a fee of two dollars.

Section 6. The provisions of this Act shall be severable. If any part of this Act is declared invalid or unconstitutional, such declarations shall not affect the parts which remain.

Section 7. The Commissioner of Revenue may make such reasonable rules and regulations as he deems necessary to further the purpose of this Act.

Section 8. This Act shall take effect on the first day of January following its passage and approval by the Governor, or upon its otherwise becoming a law.

## Calendar

**HB 9, HB 10, HB 73, HB 113** and **HR 10** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 128, HB 129, HB 130, HB 134, HB 135.**

Business Organizations and Professions: **HB 147.**

Cities: **HB 132, HB 140.**

Counties and Special Districts: **HB 149.**

Education: **HB 127, HB 133, HB 145.**

Elections and Constitutional Amendments: **HB 131, HB 137, HB 138, HB 143.**

Health and Welfare: **HB 141, HB 142.**

Judiciary: **HB 144, HB 148.**

Labor and Industry: **HB 146.**

Public Utilities and Transportation: **HB 136, HB 139,**

Representative Morgan moved that the Rules be suspended to return to the Report of Committees.

**Report of Committees (Cont.)**

The Committee on Committees reported **HR 22, HR 23, HR 18** and **HR 24** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 22,** A RESOLUTION adjourning the House of Representatives on Wednesday, January 24, 1968, in memory of Bain "Tiny" Jones.

WHEREAS, one of Kentucky's most beloved athletic figures, coach Bain "Tiny" Jones, has passed from this earthly life; and

WHEREAS, Coach Jones, whose heart was surely as large as himself, has left a legacy of hundreds of students marked by his compassion, fairness and sportsmanship; and

WHEREAS, all Kentuckians are deeply grieved by the loss of this distinguished coach and honorable gentleman;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives adjourns on Wednesday, January 24, 1968, it does so in memory of Bain "Tiny" Jones.

**HR 23,** A RESOLUTION urging the U. S. Corps of Engineers to build the Kingdom Come Reservoir.

WHEREAS, the Hazard area of Kentucky has been damaged periodically since 1927 with floods and threats of floods, resulting in millions of dollars of property loss and damage; and

WHEREAS, all the flat land in the Hazard area is located in the flood plain, so that this very scarce and valuable land cannot be fully utilized for industry, farming or any other purpose until adequate flood protection is provided; and

WHEREAS, proper water storage which could be obtained from the Kingdom Come Reservoir would alleviate the intermittent problem of low drinking water in the Hazard area as well as provide water for Jackson, Beattyville, Irvine, Lexington, Richmond and Frankfort; and

WHEREAS, construction of Kingdom Come Reservoir would not only greatly benefit Whitesburg and Letcher County by assuring the area of an adequate water supply and a splendid recreational facility, but also produce a potential significant economic benefit by providing a southern outlet for the coal produced in Letcher, Perry, Knott and Leslie Counties due to relocation of the railroad;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the United States Corps of Engineers be and it is strongly urged to consider the immediate construction of the Kingdom Come Reservoir near Ulvah, Kentucky.

**HR 18,** A RESOLUTION requesting the Interstate Commerce Commission to require the Chesapeake and Ohio Railway Company to continue the operation of Trains Nos. 3 and 4 between Washington, D. C., and Cincinnati, Ohio, and Trains Nos. 47 and 46 between Ashland, Kentucky, and Detroit, Michigan.

WHEREAS, the Chesapeake and Ohio Railway Company's Trains Nos. 3 and 4 serve numerous Kentucky cities and towns between Ashland, Kentucky, and Covington, Kentucky; and Trains Nos. 47 and 46 serve to connect Northeastern Kentucky with the states lying to the north; and

WHEREAS, the majority of these Kentucky cities and towns are not adequately served by other modes of public transportation; and

WHEREAS, these trains afford residents of the cities and towns of Northern and Eastern Kentucky direct and convenient access to the national capitol; and

WHEREAS, the discontinuance of these trains would cause a hardship and inconvenience to many Kentucky citizens.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives hereby petitions the Interstate Commerce Commission to disallow the Chesapeake and Ohio Railway Company's application for the discontinuance of Trains Nos. 3 and 4 between Washington, D. C., and Cincinnati, Ohio, and Trains Nos. 47 and 46 between Ashland, Kentucky, and Detroit, Michigan.

Section 2. That the Clerk forward copies of this resolution to the Interstate Commerce Commission, Washington, D. C.

**HR 24,** A RESOLUTION to adjourn the House of Representatives on Wednesday, January 24, 1968, in memory of Mrs. Cice Strong.

WHEREAS, Mrs. Cice Strong, the beloved mother of Senator Pearl Strong, passed away on Monday, January 22, 1968; and

WHEREAS, in this time of sorrow, the House of Representatives shares the grief of Senator Pearl Strong and his family; and

WHEREAS, the members of the House of Representatives wish to express their sincere sympathy to Senator Pearl Strong and his family;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns on Wednesday, January 24, it does so adjourn in memory of Mrs. Cice Strong.

Section 2. That copies of this resolution be presented to Senator Pearl Strong and his family.

**Motions, Petitions, and Communications**

Representative R. Reynolds moved the adoption of **HR 23.** Rejected.

Representative R. Reynolds moved that **HR 23** be laid on the Clerk's Desk. Agreed.

Representative McNamara moved the adoption of **HR 22.** Agreed.

Representative Morgan moved that Simple Resolutions be considered upon their introduction.

Representative Morgan withdrew the motion.

The Speaker appointed the Floor Leaders of the Majority and Minority parties as members of a Special Committee to confer and recommend a solution to the procedure to be followed in the adoption of Simple Resolutions. He asked the Floor Leaders to appoint one member of each of their parties to join the committee.

**HR 17:** A RESOLUTION relating to imported meats.

WHEREAS, Kentucky is a great and growing beef, mutton and pork producing state, and

WHEREAS, the people of this Commonwealth are concerned with the economic effects of the increase of imported meats from foreign countries as farmer's income stands at only 74% of parity, and

WHEREAS, imported meat carries a still more serious threat to the livestock industry of Kentucky, as demonsrated by the recent outbreak in Great Britain of the Epizootic Aphtha, also known as foot-and-mouth disease, which is believed to have been caused by importation of diseased carcasses, and

WHEREAS, this dreaded disease is not limited to meat animals, as was shown by the suspension of thoroughbred horse racing during the recent British epidemic, and cases have even been known involving human beings, and

WHEREAS, these United States have enjoyed freedom from this most serious scourge since 1870, due in whole or in part to

the previously prevailing policy of tighter restriction on imported meat;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That the federal government, both executive and legislative, be requested to conduct a close and continuing study of foreign imports of red meat products in these United States; and, further that steps be taken on a national level to require the upgrading of standards applicable to these foreign imports in order that United States standards be met or exceeded.

Section 2. Be it further resolved that a copy of this Resolution be forwarded by the Chief Clerk of this House to the President of the United States, Lyndon B. Johnson; the Secretary of Agriculture, Orville S. Freeman, and every member of the Kentucky congressional and senate delegation.

Representative Bruce moved the adoption of **HR 17.**

On the roll call the vote was yeas 87—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Keene, Keith, Kessinger, Kidd, King, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, Russell Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster,Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HR 17** was passed and the title agreed to.

Representative Denham moved the adoption of **HR 18.** Agreed.

Representative Brown moved the adoption of **HR 19.** Agreed.

Representative Holbrook moved the adoption of **HR 24.** Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Thursday, January 25, 1968.

On the roll call the vote was yeas 51—Akers, Arnett, Baker, Ballenger, Bamberger, Blandford, Brown, Clapp, Cox, James A. Davis, Dawhare, Denham, Greer, Harper, Hinkle, Holbrook, Irick, Johnson, Jones, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Melton, Mershon, Robert L. Miller, Morgan, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Smith, Stuart, Tobin, Vanover, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 3—Clark, King, Siemens.

The motion to adjourn was adopted.

## THURSDAY, JANUARY 25, 1968
## TWENTIETH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representative Curlin.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of January 24, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 176,** by Representatives Blume, McGill and Kidd: AN ACT relating to civil rights.

**HB 177,** by Representatives Mitchell, Hinkle, W. J. Reynolds, Henry and Massey: AN ACT relating to the extension of veterans preference under the State Merit System for the wives, widows, or mothers of certain living or deceased veterans who are seeking State employment.

**HB 178,** by Representative Hoe: AN ACT relating to county boards of registration and purgation.

**HB 179,** by Representative Murphy: AN ACT relating to the practice of law by police judges and amending KRS 30.130.

**HB 180,** by Representative Isler: AN ACT relating to inheritance taxes.

**HB 181,** by Representatives Greer, Blandford, Pettit and May: AN ACT relating to securities.

**HB 182,** by Representatives Mershon, Kessinger, Siemens, Rickert and Akers: AN ACT relating to trial commissioners.

**HB 183,** by Representatives Huff and Peace: AN ACT relating to coal miners.

**HB 184,** by Representatives Hoe, Rattliff, Sartin and Pettit: AN ACT relating to the operation of motor vehicles.

**HR 25,** by Representative Wesley: A RESOLUTION to investigate the leasing of private office space and equipment to the Commonwealth and the use and costs of telephone services to the Commonwealth.

**HR 26,** by Representatives Brown and Hampton: A RESOLUTION adjourning the House of Representatives on Friday, January 26, 1968, in memory of Representative Paul E. Young.

**HR 27,** by Representatives Ballenger, DeMarcus, Wooley, Jones, Melton, Schmidt, Bamberger, Stuart, Vanover, Allen, Dawhare and Keith: A RESOLUTION extending appreciation to the University of Louisville for its hospitality on January 23, 1968.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Judiciary: **HB 150, HB 153, HB 156, HB 166, HB 169, HB 173, HB 174.**

Elections and Constitutional Amendments: **HB 151, HB 155, HB 158, HB 164.**

Counties and Special Districts: **HB 152, HB 167, HB 172, SB 41.**

State Government: **HB 154, HB 170.**

Cities: **HB 157, SB 19, SB 20.**

Health and Welfare: **HB 159, HB 171.**

Labor and Industry: **HB 160, HB 168.**

Public Utilities and Transportation: **HB 161, HB 162, HB 175.**

Education: **HB 163, HB 165.**

Agriculture and Natural Resources: **SB 18, SB 21.**

**Report of Committees**

The Judiciary Committee reported **HB 28** and **HB 50** with Committee Amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 28,** AN ACT relating to cost in civil cases.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 453.050 is amended to read:

[Clerks shall tax one attorney's fee only in the bill of costs of the successful party at the termination of the action, but no attorney's fee shall be taxed in any court if the amount in controversy, exclusive of interest and costs, does not exceed fifty dollars, and no garnishee shall be allowed an attorney's fee.] The bill of costs of the successful party shall include, in addition to other costs taxed, the tax on law process and official seals, all fees of officers with which the party is chargeable in the case, postage on depositions, the cost of copy of any pleading or exhibit obtained, the cost of any copies made exhibits and the allowance to witnesses, which the court may by order confine to not more than two witnesses to any point.

Section 2. KRS 453.060 is amended to read:

[(1) If the successful party is represented by a licensed attorney and no jury is impaneled, the following attorney's fees shall be allowed:

(a) In the Court of Appeals:
In equity cases, ---------- $10.00
In common-law cases, ---------- 5.00

(b) In the circuit court:
In equity cases, ---------- 5.00
In common-law cases, ---------- 2.50

(c) In all cases in the county court, ---------- 2.50

(d) In all cases in the quarterly court, ---------- 2.50

(2)] A guardian ad litem or warning order attorney shall

be allowed by the court a reasonable fee for his services, to be paid by the plaintiff and taxed as costs.

**HB 50,** AN ACT relating to the transmitting of false alarms and bomb threats.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Any person who:

(1) Transmits in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(2) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place, shall upon a finding of guilty be deemed guilty of felony and shall be fined not to exceed $500, or confined in the penitentiary for not more than eighteen months, or both.

Committee Amendment to **HB 50** is as follows:

Amend printed copy of House Bill 50 on page 1, lines 12 and 13 by:

deleting the words "felony and shall be fined not to exceed $500, or confined in the penitentiary for not more than eighteen months,"

and inserting in lieu thereof the following:

"misdemeanor and shall be fined from $100 to $500, or confined in the county jail not to exceed twelve months,"

The Committee on Education reported **HB 88** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 88,** AN ACT relating to teachers' retirement.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 161.620 is amended to read:

(1) The retirement allowance of a member retiring for service July 1, 1966, or thereafter whose age at retirement is sixty years shall be determined by multiplying the prior service years by forty dollars plus two percent of his annual salary in Kentucky for the years after July 1, 1941. The retirement allowance of a member whose age at retirement is less than sixty *but who has thirty years or more of service* shall be *determined in the same manner.* [reduced at the rate of five percent for each year that the member is less than sixty.] Actuarial factors for use by the retirement system for all purposes shall be determined by the actuary of the retirement system and approved by the board of trustees.

(2) The retirement allowance of a member whose age as of July 1, 1966, is sixty-five or older shall be the larger as computed by the two methods hereinafter described: (a) applying the procedures as set forth in subsection (1) of this section or; (b) one percent of his average annual salary for prior service for each year of prior service credit plus one and three-fourths percent of his annual salary for the years after July 1, 1941, increased in accordance with the actuarial equivalents in use by the teachers' retirement system as of July 1, 1965.

(3) The retirement allowance of all teachers retired prior to July 1, 1964, shall be increased by: (a) the amount of ten percent or; (b) multiplying the total number of years of service by forty-five dollars whichever is greater. Effective July 1, 1967, and annually on July 1 thereafter the annual retirement allowance of each retired teacher shall be increased in the amount of one percent of the retirement allowance in effect on July 1, 1967, or the date of retirement whichever occurs later.

(4) For any member retiring on or after July 1, 1955, no retirement allowance shall be greater than three-fourths of the annual salary unless such allowance shall result from the application of a statutory minimum.

(5) Any teacher qualifying for retirement shall be entitled to receive annual allowance amounting to not less than forty-five dollars multiplied by the service credit years of the teacher.

(6) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

The Committee on Education reported **HB 35** with the expression of opinion that the same should not pass.

The Committee on Business Organizations and Professions reported **HB 106** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 106,** AN ACT providing for fair trade minimum mark-up prices for the sale of malt beverages by retailers for consumption off the premises.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In order that fair trade practices may be observed in the retail sale of malt beverages, it is hereby provided that no holder of a malt beverage retailer's license may sell or offer to sell any malt beverage at retail, in the ordinary course of trade, for consumption off the licensed premises, at a price less than twenty-five percent above the cost of such malt beverage to the retailer, which cost shall be deemed to consist of the actual price paid by the retailer to the brewer or distributor, inclusive of bottling charges and all other charges paid to the brewer or distributor, plus taxes and transportation charges.

Section 2. Any holder of an alcoholic malt beverage retailer's license, whether same be person, persons, partnership, firm or corporation, who offers for sale or sells any malt beverage, at less than the price required by Section 1 of this Act shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not less than ten days nor more than thirty days, either or both, and each violation constitutes a separate offense.

The Committee on Counties and Special Districts reported **HB 90, HB 121** and **HB 149** with the expression of opinion that

the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 90,** AN ACT relating to county treasurers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 68.010 is amended to read:

(1) The fiscal court of each county, at its regular April term every four years, beginning with 1913, shall appoint a county treasurer for a term of four years. If for any reason the county treasurer is not appointed at the April term, the county judge shall call the fiscal court to meet immediately after the adjournment of the term on a day fixed by order entered on the order book of the court, and the meeting shall be held within two weeks after the adjournment of the April term.

(2) No person is eligible to be county treasurer unless at the time of his appointment he is a citizen of Kentucky, at least twenty-five years old, and has been for the two years next preceding his appointment a resident of the county for which he is appointed. The county treasurer shall take the Constitutional oath of office before the fiscal court, and shall execute bond with at least two good sureties, to be approved by the fiscal court. *The fiscal court may pay the premium on the bond from county funds.*

(3) The fiscal court may remove the county treasurer at any time for neglect of duty, incompetency or dishonesty.

(4) In the case of a vacancy from any cause in the office of county treasurer, the county judge shall call a special term of the fiscal court to fill the vacancy.

**HB 121,** AN ACT relating to county court trial commissioners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 25.280 is amended to read as follows:

The judge of the county court, in each county of this Com-

monwealth wherein the fiscal court may authorize, is hereby authorized to appoint a trial commissioner or commissioners who shall hold office at the pleasure of the judge, and shall discharge such judicial duties as may be assigned to him by the judge. The commissioner shall report his actions to the judge for the approval or disapproval of the judge. The commissioner, when authorized by an order of the county court, duly entered of record, may issue search warrants and warrants for arrest when such warrants are authorized by law. The commissioner must possess the qualifications of a judge of the county court. He shall receive a salary to be fixed by the fiscal court of the county [, which salary shall not exceed fifty dollars per annum, except in counties containing a population of two hundred thousand or more and in counties containing a city of the second class, in which counties, by reason of the increased duties of the county judge resulting from the amount of population, the fiscal court may fix the salary of the commissioner]. The salary of the commissioner shall be paid in the same way as the county judge is paid.

**HB 149,** AN ACT relating to county law libraries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 172.180 of the Kentucky Revised Statutes is amended to read as follows:

Any county [containing a city of the second, third or fourth class] may adopt the following method of financing the cost of operation and maintenance of the county law library, in lieu of the method set out in KRS 172.130 or KRS 172.170:

(1) Upon petition of three-fourths of the duly licensed and practicing attorneys resident in the county addressed to the circuit judge of the county, to the effect that they, as officers of the various courts of the county, recognize the need of a more adequate county law library, there being attached to said petition an attested copy of a resolution of the fiscal court of the county endorsing the adoption of this optional method of financing the cost of operation and maintenance of the county law library, the circuit judge shall enter an order upon the official order book of

the circuit court of the county noting that said optional plan for the financing of the cost of operation and maintenance of the county law library has been adopted.

(2) The order shall set forth the name of each duly licensed and practicing attorney signing said petition, and the county court order book and page number containing the resolution of the fiscal court.

(3) The order shall direct the following:

(a) That the clerk of the circuit court shall forthwith cause to be delivered to the clerk of every court in the county, including quarterly, county, justice's, and city or police courts, a certified copy of the order;

(b) That upon receipt of the order by the clerks of said courts there shall be taxed as costs in all actions, except examining trials and felony trials, thereafter instituted in said courts the following fee, which shall be designated as county law library fee: in quarterly, county, justice's, and city or police courts, a sum not to exceed fifty cents; in circuit courts, on all civil actions a sum not to exceed one dollar; and on all misdemeanor trials, a sum not to exceed fifty cents; and

(c) That the clerks of the various courts shall at the end of each month, pay all sums collected as county law library fee in their respective courts, during the preceding month, to the trustees of the county law library, and the clerks shall make a full report with said payment, and receive a receipt for all payments.

The Committee on Elections and Constitutional Amendments reported **HB 4, HB 20** and **HB 23** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 4,** AN ACT relating to campaign contributions and expenditures in elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) Candidates for nomination or election to any state, county, city or district office may make expenditures, or expenditures may be made for them, for the purpose of em-

ploying and paying clerks and stenographers, for printing and advertising, for securing suitable halls for public speaking, for suitable headquarters, for stationery and stamps, and for actual traveling expenses, within the limits prescribed by this section.

(2) No candidate for nomination to any of the following offices in a primary election or before a party convention shall expend, including in his expenditures the amounts expended on his behalf by others, more than the amount set opposite the office in the following table, nor shall an equal amount be exceeded in the final election:

(a) Governor, $10,000.

(b) Office from the state at large other than Governor, $5,000.

(c) Judge of the Court of Appeals or Railroad Commissioner, $3,000.

(d) State senator, $1,000.

(e) State representative, $750.

(f) Circuit judge or Commonwealth's attorney, $2,500.

(g) County office in county having city of first class, $2,500.

(h) County office in county having city of second class, $2,000.

(i) County office in county having city of third class, $1,500.

(j) County office in county not having city of first, second or third class, $1,000.

(k) City office in city of first class, $5,000.

(l) Office other than those enumerated in paragraphs (a) to (k), $500.

Section 2. (1) Every candidate for nomination at any caucus, convention or primary election to any state, county, city or district office shall, on the fifteenth day before the date for making the nomination, file a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money or other things of value contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any person on his behalf, wholly or in part, endeavoring to se-

cure his nomination to such office, and all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination of any other person to be voted for at the same time. The statement shall set forth in detail each item of contribution or expenditure, and shall show the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. In the case of nominations to be made at a primary election, the statement shall be filed with the officer with whom nomination papers must be filed. In the case of nominations to be made by caucus or convention, the statement shall be filed with the Secretary of State when the office is for the state at large or for a district larger than one county, and with the county clerk when the office is for a county or a district less than one county. The candidate shall subscribe before some officer qualified to administer oaths, and file with the statement, the following oath:

"I do solemnly swear that the statement herewith filed embraces all money spent by me, or on my behalf with my knowledge by any person for me; that I have neither directly or indirectly arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of Sections 1 to 7 of this Act in letter or in spirit."

(2) Every such candidate shall also, within thirty days after the caucus, convention or primary election held to make the nomination, make out and file with the same officer a statement and oath in the same form and manner, relating to matters occurring after the filing of the statement provided for in subsection (1) of this section.

Section 3. (1) Every candidate for election to any state, county, city or district office shall, on the fifteenth day before the day of election, file with the officer with whom certificates of nomination for the office in question are required to be filed, a statement and oath in the same form and manner as provided for in subsection (1) of Section 2 of this Act, containing like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election

or in support and in connection with the election of any other person to be voted for at the same time.

(2) Every such candidate shall also, within thirty days after the election, make out and file with the chairman of the canvassing board authorized to issue the certificate of election for the office in question, a statement and oath in the same form and manner, relating to matters occurring after the filing of the statement provided for in subsection (1) of this section.

(3) The statements required by this section are in addition to those required by Section 2 of this Act.

Section 4. Every campaign committee or individual having charge of the candidacy of any person or group of persons or managing or paying the expenses, or contributing to the expenses of a campaign for the adoption or rejection of any question submitted to the people for their approval or rejection at any election, shall make out statements in the same manner and form as those provided for in Sections 2 and 3 of this Act. The statements shall be verified by the chairman or secretary of the campaign committee or person acting in the capacity of chairman or secretary of the committee. Such statements relating to the candidacy of a person or group of persons shall be filed at the same times and with the same officers as the candidates are required to file their statements under Section 2 and 3 of this Act. Such statements relating to public questions shall be filed on the fifteenth day before the day of election on the question, and within thirty days after the day of election, with the chairman of the canvassing board authorized to certify the results of the election.

Section 5. Those officers with whom statements of election contributions and expenditures are required to be filed under the provisions of Sections 2, 3 and 4 of this Act shall, at least ten days before such statements are due, forward, by registered mail, to every candidate and committee required to file such statements the necessary statement forms and notice of the due date.

Section 6. No officer or board authorized to issue certificates of nomination or election shall issue a certificate of nomi-

nation to any person until he has filed the statements required by Section 2 of this Act, nor a certificate of election to any person until he has filed the statements required by Section 3 of this Act. Neither the Secretary of State nor the county clerk shall certify the name of any candidate to be placed on the ballot in the regular election until the statements required by Section 2 have been filed. No person shall be permitted to qualify as an elective officer until he has filed the statements required by Sections 2 and 3 of this Act, and no officer shall receive any salary or emolument for any period prior to filing the statements.

Section 7. The statements required by Sections 2 to 4 of this Act, when filed, shall at all times be open to public inspection, and copies may be obtained by any person desiring them.

Section 8. (1) Any person who violates any of the provisions of Section 1 of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars.

(2) Any person who violates any of the provisions of Sections 2 or 3 of this Act shall be fined not more than five hundred dollars.

(3) Any person who violates any of the provisions of Section 4 of this Act shall be fined not less than one hundred dollars nor more than five thousand dollars, or imprisoned in the county jail for not less than one month nor more than one year, or both.

(4) Any person who violates any of the provisions of Sections 6 or 7 of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars.

Section 9. KRS Supp. (1966) 123.005, 123.051, 123.055, 123.061, 123.065, 123.071, 123.075, 123.081, 123.086, 123.091, 123.095 and 123.101 are repealed.

**HB 20**, AN ACT relating to pay of election officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 116.140 of the Kentucky Revised Statutes is amended to read as follows:

Compensation of the judges, clerk and sheriff of elections shall be fixed by the fiscal court of the county, at not less than five dollars nor more than *fifteen* [ten] dollars each for each election in which they serve, including elections to fill vacancies, to be paid by the county. For delivering election returns the sheriff and judge of the opposite political party from the sheriff shall receive in addition eight cents for each mile necessarily traveled from the place of voting to and from the place of delivery, to be paid by the county.

**HB 23,** AN ACT relating to primary elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 119.040 is amended to read as follows:

The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the *third Saturday in August* [first Tuesday after the fourth Monday in May] of each year between the hours of 6:00 A. M. and 6:00 P. M., at the regular polling places in each election precinct.

The Committee on Rules reported **HR 10, HB 113, HB 73** and **HB 9** with Committee Amendment with the expression of opinion that the same should pass.

## Calendar

**HB 49, HB 54, HB 108** and **HB 111** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Senate Message

Announcing passage of **HR 4, SR 26.**

Representative Morgan announced that members of a Special Committee appointed on January 24, 1968, recommended that Simple Resolutions be acted upon on the day introduced. The

sponsors may request that the Resolutions be referred to a committee.

Representative Denham moved that the Rules be suspended for consideration of **HB 9.**

On the roll call the vote was yeas 58—Alexander, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Bruce, Coffey, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Huff, Irick, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, McCallum, McGill, McKinney, Melton, Robert L. Miller, Peace, Rattliff, Russell Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 35—Akers, Allen, Baker, Blandford, Blume, Brown, Carroll, Cox, Dawhare, Henry, Hoffman, Hopkins, Hunt, Isler, James, Justice, Keene, Kidd, King, Massey, May, McBrayer, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Wells.

The motion that the Rules be suspended for consideration of **HB 9** was adopted.

Representative Morgan moved that **HB 9** be made a Special Order for Wednesday, January 31, 1968.

On the roll call the vote was yeas 48—Akers, Allen, Arnett, Blandford, Blume, Brown, Bruce, Carroll, Clapp, Cox, Dawhare, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Louden, Massey, May, McBrayer, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Prather, Ray, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 50—Alexander, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Lassiter, Lawson, Maddox, McCallum, McKinney, Melton, R. L. Miller, Peace, Pettit, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that **HB 9** be made a Special Order was defeated.

Representative Denham moved that **HB 9** be recommitted to the Committee on Appropriations and Revenue.

On the roll call the vote was yeas 57—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Bruce, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Kidd, Lassiter, Lawson, Maddox, McCallum, McKinney, Melton, Clarence R. Miller, Robert L. Miller, Peace, Rattliff, Russell Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 33—Arnett, Blandford, Blume, Carroll, Clapp, Cox, Hinkle, Hoffman, Hopkins, Hunt, Isler, James, Justice, Keene, King, Lankford, Louden, May, McBrayer, McGill, McNamara, Mershon, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters.

The motion that **HB 9** be recommitted to the Committee on Appropriations and Revenue was adopted.

### Report on Enrolled Bills

The Committee on Enrollment reported **HR 4** had been examined and found correctly enrolled. **HR 4** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

### Motions, Petitions, and Communications

**HR 27:** A RESOLUTION extending appreciation to the University of Louisville for its hospitality on January 23, 1968.

WHEREAS, the University of Louisville graciously invited members of the House of Representatives to be its guests for dinner and a basketball game on January 28, 1968; and

WHEREAS, such a succulent feast has seldom before been served to any group in any place, said members experiencing considerable difficulty in leaving their respective tables; and

WHEREAS, the University of Louisville Cardinals displayed

their talents on the basketball court to a degree sufficient to earn a victory over the opposition, a sight always pleasing to the partisans in the audience;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the House of Representatives extends its sincere appreciation to the University of Louisville for its hospitality and cordiality on January 23, 1968.

Representative Ballenger moved the adoption of **HR 27.** Agreed.

**HR 26:** A RESOLUTION adjourning the House of Representatives on Friday, January 26, 1968, in memory of Representative Paul E. Young.

WHEREAS, Paul E. Young, the oldest member of the Kentucky House of Representatives in point of continuous service, died on Thursday, October 26, 1966; and

WHEREAS, Representative Young had since 1954 represented Logan County and had become 16th District representative for Logan and Todd counties when they were placed in the same district in 1963 and served until 1966; and

WHEREAS, while a member of the General Assembly, Representative Young served as Democratic caucus chairman, as chairman of the House Committee on Banks and Banking, and on various other committees; and

WHEREAS, the members of the General Assembly wish to express their regret and sadness over the passing of such a fine and dedicated representative;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives adjourn on Friday, January 26, 1968, in memory of Representative Paul E. Young.

Section 2. That copies of this resolution be sent to the members of the family of Representative Paul E. Young.

Representative Brown moved the adoption of **HR 26.** Agreed.

**Senate Message**

Announcing passage of **SB 4, SB 50.**

Representative Morgan moved when the House adjourns Friday, January 26, 1968, it do so until Monday, January 29, 1968, at 8:00 p.m.

Representative Ball asked for a roll call to get an expression of the House on Representative Morgan's motion.

On the roll call the vote was yeas 51—Akers, Alexander, Baker, Ballenger, Bamberger, Bleemel, Clapp, Cox, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Hardin, Harper, Hoffman, Hopkins, Hunt, Irick, Isler, James, Jones, Keene, Kidd, King, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Richey, Rickert, Riddle, Sartin, Simmons, Smith, Stuart, Walters, Webster, Wooley, Wright. Nays 38—Allen, Ball, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clark, Coffey, Cruse, Dawhare, Denham, Hampton, Henry, Hoe, Holbrook, Huff, Johnson, Justice, Keith, Lankford, Maddox, Massey, McCallum, Melton, C. R. Miller, R. L. Miller, Peace, R. Reynolds, Russell, Saylor, Schmidt, Vanover, Wells, Wesley, Wheeler, White.

The roll call showed approval of Representative Morgan's motion.

**SR 26:** A CONCURRENT RESOLUTION relating to adjournment of the General Assembly.

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That when the Senate does adjourn on Friday, January 26, 1968, it does so to convene again on Wednesday, January 31, 1968, at a time set by motion duly adopted by the Senate.

Representative Morgan moved the adoption of **SR 26.** Agreed.

### Orders of the Day

**HR 10** taken from Orders of the Day and ordered read at length for the third time. Representative Peace moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Peace moved the adoption of **HR 10.** Agreed.

**HB 113** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 113** was passed and the title agreed to.

Representative J. Davis moved that the vote by which **HB 113** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 73** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen,

Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Vanover, Walters, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

**HB 73** was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 73** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the House adjourn until 11:00 a.m., Friday, January 26, 1968.

On the roll call the vote was yeas 56—Akers, Alexander, Arnett, Ball, Blandford, Blume, Blythe, Clapp, Clark, Cox, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Harper, Hinkle, Hoe, Hopkins, Huff, Johnson, Jones, Justice, Keene, Kidd, Lawson, Louden, Maddox, May, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Prather, Ray, Russell Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Smith, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wooley, Wright. Nays 2—Halleck, James.

The motion to adjourn was adopted.

## FRIDAY, JANUARY 26, 1968

## TWENTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend W. Robert Insko of the Church of the Ascension, Frankfort.

The roll was called. All present except Representatives Ballenger, Curlin, Justice, Lassiter, and Walters.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of January 25, 1968, be dispensed with and the same approved. Agreed.

### Senate Message

Announcing passage of **SR 14.**

### Introduction of Bills and Resolutions

**HB 185,** by Representative R. Reynolds: AN ACT relating to alcoholic beverages.

**HB 186,** by Representatives Irick, Hampton, and Justice: AN ACT relating to reporting campaign contributions and expenditures.

**HB 187,** by Representative Mitchell: AN ACT relating to publication of financial statements.

**HB 188,** by Representative Irick: AN ACT relating to licensing of motor vehicles.

**HB 189,** by Representative Irick: AN ACT proposing an amendment to Section 145 of the Constitution of the Commonwealth of Kentucky relating to voting.

**HB 190,** by Representative Blume: AN ACT relating to leaves of absence for teachers and superintendents.

**HB 191,** by Representative Hoffman: AN ACT relating to registration of motor vehicles.

**HB 192,** by Representative Russell: AN ACT relating to elections.

**HB 193,** by Representative Russell: AN ACT relating to cities of the sixth class.

**Report of Committees**

The Committee on Judiciary reported **HB 71** and **HB 43** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 66** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 66,** AN ACT relating to computation of interest on judgments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

In any action involving a verdict or judgment in a claim for personal injuries, death, or damage to property, rendered by any court of this Commonwealth, interest on said verdict or judgment shall be computed and awarded from the date on which the action is filed with the clerk of the court until the verdict or judgment is satisfied.

Section 2. The provisions of this Act shall apply only to causes of action filed after the effective date of this Act.

The Committee on Banking and Insurance reported **HB 34** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 34,** AN ACT to regulate the business of debt management.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the contract requires otherwise:

(1) "Budget Service Company" includes any person doing business as a budget counselling, credit counselling, debt management, or debt pooling service, or holding himself out by words of similar import, as providing services to debtors in the management of their debts, and contracting with the debtor for a fee to receive from the debtor and disburse to his creditors any money or anything of value.

(2) "Commissioner" means the Commissioner of the Department of Banking and Securities.

(3) "Contract debtor" means a debtor who has entered into a contract with a licensee.

(4) "Department" means the Department of Banking and Securities.

(5) "License" means a license issued under the provisions of this Act.

(6) "Licensee" means any person to whom a license has been issued pursuant to the provisions of this Act.

(7) "Person" includes individuals, partnerships, associations and corporations.

Section 2. The provisions of this Act do not apply to the following when engaged in the regular course of their businesses and professions:

(1) Attorneys at law.

(2) Banks, fiduciaries, financing and lending institutions as duly authorized and admitted to transact business in this Commonwealth and performing credit and financial adjusting service in the regular course of their principal business.

(3) Title insurers and abstract companies, while doing an escrow business.

(4) Agent of licensees under this Act.

(5) Judicial officers or others acting pursuant to court orders.

(6) Nonprofit religious, fraternal or cooperative organizations offering debt management service exclusively for their members.

(7) Employers for their employes.

Section 3. No person shall operate a "Budget Service Company" without obtaining a license from the commissioner. Each office of each company shall have a separate license.

Section 4. Every person desiring to obtain a license to do business as a Budget Service Company shall file with the commissioner an application in writing, under oath, in the form prescribed by the commissioner. Each application shall set forth together with any further information which the commissioner may require, the name under which the business is to be conducted, the address of each office of the business, names and addresses of all officers and directors, if an association or a corporation, and if a partnership, the partnership name and the names and addresses of all partners, and a financial statement of the company. At the time of filing an application the applicant shall pay to the department a license fee of $100 for each office and an investigation fee of $50.

Section 5. The license issued under this Act expires on December 31 following its issuance unless sooner surrendered, revoked or suspended, but may be renewed as provided in this Act.

Section 6. (1) Each application for a license shall be accompanied by a bond to the people of the Commonwealth in the sum of $10,000 conditioned upon the faithful accounting of all moneys collected upon accounts entrusted to the person doing business as a Budget Service Company, and their employes and agents. The bonds shall be approved by the commissioner and filed in the office of the department. No person shall do business as a Budget Service Company until a good and sufficient bond is filed in accordance with this Act.

(2) Each licensee shall furnish with his application a blank copy of the contract he intends to use between himself and the

debtor and shall notify the commissioner of all changes and amendments thereto.

(3) The application shall be accompanied by an appointment of the commissioner as agent of the applicant and his sureties for service of process in this state. Service upon the commissioner shall be sufficient service upon any licensee under this Act. Upon receipt of any process in an action against any licensee, the commissioner shall promptly mail copies thereof by certified mail to the licensee at the last address shown by the records of the department and to his sureties at their last known address. Sufficient copies of the process shall be furnished the commissioner to comply with this provision.

Section 7. Upon the filing of the application and the payment of the fees and the approval of the bond, the department shall investigate the facts, and if it finds that the financial responsibility, experience, character and general fitness of the applicant and of the members thereof, if the applicant is a partnership or an association, and of the officers and directors thereof, if the applicant is a corporation, are such as to command the confidence of the community to warrant belief that the business will be operated fairly and honestly within the purposes of this Act and that the applicant or the applicant and the members thereof or the applicant and the officers and directors thereof have not been convicted of any crime involving moral turpitude, and have not had a record of having defaulted in the payment of money collected for others, including the discharge of debts through bankruptcy proceedings, the commissioner shall issue to the applicant a license to do business as a Budget Service Company in accordance with the provisions of this Act . The commissioner may require as part of the application a credit report and other information.

Section 8. (1) The commissioner may deny, revoke, or suspend any license issued or applied for under this Act for the following causes:

(a) Conviction of a felony or a misdemeanor involving moral turpitude.

(b) For violating any of the provisions of this Act.

(c) For fraud or deceit in procuring the issuance of a license under this Act.

(d) For indulging in a continuous course of unfair conduct.

(e) For insolvency, filing in bankruptcy, receivership, or assigning for the benefit of creditors by any licensee or applicant for a license under this Act.

(2) The denial, revocation or suspension shall only be made upon specific charges in writing, under oath, made by or filed with the commissioner, whereupon a hearing shall be had as to the reasons for any denial, revocation or suspension and a certified copy of the charges shall be served on the licensee or applicant for license not less than ten days prior to the hearing. The decision shall be reviewable by the circuit court on certiorari.

Section 9. When a license has been issued, the license shall be prominently displayed by the licensee in his place of business. No license shall be transferable or assignable.

Section 10. Each licensee on or before December 1 may make application to the commissioner for renewal of his license. The application shall be on the form prescribed by the commissioner and shall be accompanied by a fee of $100, together with a bond as in the case of an original application. A separate application shall be made for each office.

Section 11. Any person lawfully doing business in this state as a Budget Service Company for at least two years immediately prior to the effective date of this Act shall be entitled to receive a license within the provisions of this Act by filing an application, furnishing a bond and paying the annual fee as herein specified within ninety days after the effective date of this Act.

Section 12. Every licensee:

(1) Shall deliver to every contract debtor at the time the

contract is made, a copy of the contract, showing the date executed, the rate of charge, the amount of debts claimed by the contract debtor to be due to his creditors, and in addition, within five days deliver to the contract debtor a list containing the names and addresses of the creditors and the correct amount due to each of them.

(2) Shall take no fee until a debt program agreed upon by the licensee and the contract debtor has been arranged. In no event shall more than the pro-rated service charge for one month be payable by the contract debtor unless a plan of payment of his obligations shall have been accepted by at least two-thirds of his creditors by dollar volume to an extent satisfactory to the contract debtor and approved by him in writing. Nothing in this paragraph or this Act shall be construed as mandatorily requiring a creditor to accept the proposed plan of payment unless he agrees to do so in writing.

(3) Shall give to the contract debtor a dated receipt for each payment, at the time of payment.

(4) Shall notify immediately the contract debtor if any creditor refuses to accept or agree to the debt plan and the liquidation of the indebtedness of the contract debtor.

(5) Shall upon cancellation by the contract debtor of the contract, notify immediately in writing all the creditors.

(6) Shall furnish to a contract debtor a statement showing the total amount received and the total disbursements to each creditor which statements shall be furnished within seven days by the licensee to the contract debtor after a request has been made therefor.

(7) Shall prepare and retain in the file of each contract debtor a written analysis of the contract debtor's income and expenses to substantiate that the plan of payment is feasible and practical.

(8) Shall maintain in his place such books, accounts and records as will enable the commissioner to determine whether such licensee is complying with the sections of this Act. The books, accounts and records, shall be preserved for at least five

years after making the final entry on any contract recorded therein, and shall be available for inspection by the commissioner at any time.

(9) Shall not receive a fee for his services in excess of the following amounts:

(a) Ten percent of the total amount of the contract debtor's debts listed by the contract debtor with the licensee, when the plan of payment is for a period of twelve months or less.

(b) Twelve percent of the total amount of the contract debtor's debts listed by the contract debtor with the licensee when the plan of payment is for a period of more than twelve months.

The above fees or charges shall be pro-rated monthly over the entire term of the contract. In the event of pre-payment of the listed debts or cancellation by the debtor upon thirty days written notice to the licensee, or in the event of cancellation by the licensee after willful default by the contract debtor for a period of thirty days, the contract debtor shall be entitled to a credit of the agreed service charges of fifty percent of the charges due for the unexpired term of the contract at the time of such pre-payment or cancellation and the balance of the charge shall be then due and payable to the licensee.

(10) Shall distribute all monies to the creditors of the contract debtor in accordance with the terms of the debt program and in accordance with the licensee's arrangements with the creditors but in any event within thirty days after the payment of the money by the contract debtor to the licensee.

(11) Shall not make, or cause to be made, any false, misleading, or deceptive statements, or representation (including advertising) with regard to the licensee's fee of the nature of the services to be provided.

Section 13. Upon affidavit of any person or other information that the licensee has failed to comply with the provisions of this Act, the commissioner has the authority to examine the books, records and accounts, and to seize and impound the records as evidence of a violation of this Act.

Section 14. (1) Any person violating any provision of this Act shall be fined not more than $1000 or imprisoned for not more than six months, or both for each offense. The violation of each provision of this Act is a separate offense and is punishable accordingly.

(2) A person convicted of a violation of any section of this Act shall not be licensed under another name.

The Committee on Labor and Industry reported **HB 45,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 45,** AN ACT relating to the paying of employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) As used in this Act:

(a) "Employer" shall mean and include individuals, partnerships, voluntary associations, private corporations, legal representatives, trustees and receivers, but shall not include the federal, state or any local government, any government agency or facility, or any individual who employs domestic or casual labor other than in a trade, business, or profession.

(b) "Wages" shall mean and include all remuneration for services, including commissions and bonuses, which are payable to an employe in cash.

(2) Every employer who pays wages to his employes in this state by check shall cause all checks so used to be clearly marked on their face as payroll checks.

(3) Any employer who draws and delivers, or causes to be drawn and delivered, a payroll check upon any bank or depository, knowing at the time of the drawing and delivery that he does not have sufficient funds in, or credit with, the bank or depository for the payment of the check in full upon its presenta-

tion; or who, after having drawn and delivered a payroll check upon any bank or other depository, withdraws or causes to be withdrawn the money or any part of the money to his credit without leaving with the bank or other depository a sum sufficient to cover the check shall be fined not more than one hundred dollars, or imprisoned for not less than ninety days, or both. Where the employer is a corporation, the officer or officers whose signatures are affixed to the check shall be subject to the imprisonment penalty herein provided.

(4) Any payroll check which is presented for payment within a reasonable time and which is not paid by the bank or other depository upon which it was drawn because of insufficient funds or credit of the drawer to cover the check shall be prima facie evidence that the employer drew and delivered the check without sufficient funds or credit with the bank or other depository to cover it.

Committee Amendment to **HB 45** is as follows:

Amend printed copy of House Bill 45 on pages 1 and 2, by:

striking in its entirety (2), as found on line 13 on page 1 and on lines 1 and 2 on page 2

and on page 2, line 3 by striking "(3)" and inserting "(2)"
and on page 2, line 17 by striking "(4)" and inserting "(3)"

The Committee on Banking and Insurance reported **HB 46,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 46,** AN ACT relating to group insurance benefits for employes of district boards of education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) Each district board of education may form its employes into a group or groups or recognize existing groups for the purpose of obtaining the advantages of group life, disability, medical, and dental insurance or any group insurance plans to aid its employes, as long as the employes continue to

be employed by the board of education. Any district board of education may pay all or any part of the premium on the policies, and may deduct from the salaries of the employes that part of the premium which is to be paid by them and may contract with the insurer to provide the above benefits.

(2) Payments made by the Board of Education under the authority of this Act are presumed to be for services rendered and for the benefit of the common schools; and the payments do not affect the eligibility of any school system to participate in the foundation program as established in KRS Chapter 157.

Committee Substitute to **HB 46** is as follows:

**Committee Substitute HB 46,** AN ACT relating to group insurance benefits for employes of district boards of education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) Each district board of education may form its employes into a group or groups or recognize existing groups for the purpose of obtaining the advantages of group life, disability, medical, and dental insurance, as long as the employes continue to be employed by the board of education. Any district board of education may pay all or any part of the premium on the policies, and may deduct from the salaries of the employes that part of the premium which is to be paid by them and may contract with the insurer to provide the above benefits.

(2) Payments made by the Board of Education under the authority of this Act are presumed to be for services rendered and for the benefit of the common schools; and the payments do not affect the eligibility of any school system to participate in the foundation program as established in KRS Chapter 157.

The Committee on Rules reported **HR 25, HB 54, HB 108** and **HB 111** with the expression of opinion that the same should pass.

**Calendar**

**HB 28, HB 50, HB 88, HB 106, HB 90, HB 121, HB 149,**

**HB 4, HB 20** and **HB 23** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

**Motions, Petitions, and Communications**

**HR 25,** A RESOLUTION to investigate the leasing of private office space and equipment to the Commonwealth and the use and costs of telephone services to the Commonwealth.

WHEREAS, the Governor and others report the state finances to be strained and economies must be found to help protect the taxpayers and as many are looking to the cutting of employment rolls, it is suggested that one big saving may be found by careful review of:

(a) The numerous leases for office space and storage space with individuals and corporations and agencies of the Commonwealth;

(b) The use and cost of telephone service by the Commonwealth and its agencies;

(c) The leases of equipment by the Commonwealth and its agencies;

(d) Use of motor vehicles by all Commonwealth agencies or agents; and

WHEREAS, it is not prejudged that there are conflicts of interest or that the space or material is not furnished but a review is needed to determine if the Commonwealth could not use public space in a more efficient manner and if the equipment is needed for efficient government;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That a committee composed of five members of the House of Representatives be appointed to review the use of space and equipment and to report to this Assembly before March 1, or

before the Appropriation Bill to be submitted by the Governor has been set for a vote by this body.

Representative Wesley moved the adoption of **HR 25.**

Representative Hardin moved that **HR 25** be laid on the Clerk's Desk. Agreed.

Representative Allen requested that his name be stricken as a sponsor of **HB 125.** Agreed.

## Orders of the Day

**HB 54** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Massey, May, McCallum, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 1—DeMarcus.

**HB 54** was passed and the title agreed to.

Representative Murphy moved that the vote by which **HB 54** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 108** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 111** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 111** was passed and the title agreed to.

**Report on Enrolled Bills**

**HR 4** delivered, signed by President, ordered delivered to the Governor.

Representative Morgan moved that the House adjourn until 8:00 p.m., Monday, January 29, 1968.

On the roll call the vote was yeas 55—Arnett, Baker, Ball, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Harper, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Johnson, Jones, Keith, Kidd, Lankford, Lawson, Louden, Massey, May, McBrayer, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Rattliff, Ray, Rickert, Riddle, Sartin, Smith, Stuart, Webster, Wells, Wesley, Wheeler, Wooley, Wright. Nays 7—Clark, James, Kessinger, Melton, Russell, Schmidt, Siemens.

The motion to adjourn was adopted.

## MONDAY, JANUARY 29, 1968

## TWENTY-THIRD LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Rabbi Bernard Schwab, Congregation Ohavay Zion, Lexington.

The roll was called. All present except Representatives Akers, Allen, Ballenger, Blythe, Bowles, Brown, Bruce, Dawhare, Clark, Denham, Hampton, Holbrook, Huff, Johnson, Justice, Lassiter, Maddox, Massey, May, McCallum, Peace, R. Reynolds, Riddle, Saylor, Simmons and Wesley.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of January 26, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 194,** by Representatives McNamara and Wolchik: AN ACT relating to domestic relations.

**HB 195,** by Representative Mitchell: AN ACT relating to real estate transfer tax.

**HB 196,** by Representative Morgan: AN ACT relating to the employment of the handicapped.

**HB 197,** by Representatives Harper, Murphy, Bamberger, Greer and Johnson: AN ACT relating to police courts.

**HB 198,** by Representatives McKinney and R. L. Miller: AN ACT to improve the quality of education by establishing mutually agreeable relations between boards of education and professional associations representing certificated personnel.

### Calendar

**HB 46, HB 34, HB 45** and **HB 66** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a

majority of members elected. Ordered placed in Orders of the Day.

Representative Pettit moved that the Rules be suspended for the introduction of a Bill. Agreed.

**Introduction of Bills and Resolutions**

**HB 199,** by Representatives Pettit, Hunt, Walters, McBrayer, and Hoffman: AN ACT proposing an amendment to Section 42 of the Constitution of Kentucky relating to legislative days.

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, January 31, 1968.

On the roll call the vote was yeas 55—Alexander, Baker, Bamberger, Blandford, Blume, Clapp, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Greer, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Jones, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, McBrayer, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Smith, Stuart, Tobin, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 5—Ball, James, Schmidt, Siemens, Wright.

The motion to adjourn was adopted.

## WEDNESDAY, JANUARY 31, 1968

## TWENTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representative Riddle.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of January 29, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 200,** by Representative DeMarcus: AN ACT providing for the taking of the sense of the people of the Commonwealth of Kentucky as to the necessity and expediency of calling a Convention for the purpose of revising or amending the Constitution of the Commonwealth, and such amendments as may have been made to the same, as provided by Section 258 of said Constitution.

**HB 201,** by Representative Ballenger: AN ACT relating to the improvement of the main mercantile and business areas of cities.

**HB 202,** by Representative Lassiter: AN ACT relating to deductions from wages of employes.

**HB 203,** by Representative Isler: AN ACT relating to purgation and re-registration by mail.

**HB 204,** by Representatives Wooley, Dawhare, Allen, McKinney, Simmons, Clark and Coffey: AN ACT relating to retired teachers.

**HB 205,** by Representatives Stuart, Murphy, Melton, Cruse, Hardin, Riddle, Louden, Richey, May, Cox, Clark, Russell, R. Reynolds, Vanover, Baker, Jones, Bleemel, Arnett, Ray, C. R.

Miller, Keene, Siemens and McGill: AN ACT relating to benefits for death or permanent disability of police officers.

**HB 206,** by Representatives Sartin, Harper, Rattliff, W. F. Davis and Wolchik: AN ACT relating to the licensing of physical therapists.

**HB 207,** by Representative Clapp: AN ACT relating to fireworks.

**HB 208,** by Representatives Greer, Harper, Johnson, Murphy and Pettit: AN ACT relating to assessments of property for city taxation in cities of the second class.

**HB 209,** by Representative Webster: AN ACT changing the classification of the City of Butler, in Pendleton County.

**HB 210,** by Representative Webster: AN ACT relating to juries.

**HB 211,** by Representatives R. L. Miller, Floyd and Richey: AN ACT relating to concealed deadly weapons.

**HB 212,** by Representatives Blythe and McBrayer: AN ACT relating to the Kentucky Air National Guard.

**HB 213,** by Representatives Blythe and McBrayer: AN ACT relating to construction of National Guard Facilities.

**HB 214,** by Representative James: AN ACT relating to payment of jurors.

**HR 28,** by Representatives McBrayer, Wooley, Hunt, Blythe, Hardin, Hoffman, Pettit, Cox, Hopkins, Blume, Bleemel, Walters, McNamara, Hinkle, W. J. Reynolds, Mitchell and Ball: A RESOLUTION inviting John Y. Brown to appear before the House of Representatives to present his traditional Lincoln Day Address.

**HR 29,** by Representative Keene: A RESOLUTION in memory of a past member of the House of Representatives.

**HR 30,** by Representative Holbrook: A CONCURRENT RESOLUTION requesting the Department of Highways of the Commonwealth of Kentucky to pave Kentucky State Highway 806 from Eolia, Kentucky, in Letcher County, to the Kentucky-Virginia line.

## Report of Committees

The Committee on Agriculture reported **SB 18** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 18,** AN ACT relating to livestock disease control.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The owner of any animal which has given a positive reaction to the agglutination blood test, the "card" test, or to any oher approved test for Brucellosis adminisered by the Department of Agricuture in its normal program of testing for contagious and infectious diseases in cattle may within ten days after receiving notice of the result of the test apply in writing to the State Veterinarian for a retest of the reactor which shall be at the expense of the owner of the animal. Upon making application for the retest, the owner of the reactor shall isolate the reactor from all other cattle and the entire herd shall be quarantined until all retesting has been completed. A licensed accredited veterinarian to be selected by the State Veterinarian and the owner of the animal shall conduct the retest within ten days after rereceipt of the application for the retest. If no evidence of infection is found on the retest, the State Veterinarian shall conduct at public expense a retest of the entire herd of which the reactor is a part.

The Committee on Agriculture reported **HB 95** with the expression of opinion that the same should not pass.

The Committee on Public Utilities and Transportation reported **HB 22** with the expression of opinion that the same should not pass.

The Committee on State Government reported **HB 8** with Committee Substitute attached thereto, **HB 116, HB 115** and **HB 118** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 8,** AN ACT relating to confederate cemeteries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

In addition to its other duties the Department of Parks shall maintain and care for all confederate cemeteries in the state.

Committee Substitute to **HB 8** is as follows:

**Committee Substitute HB 8,** AN ACT relating to Confederate cemeteries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Upon the request of the public body or private entity owning or controlling a Civil War cemetery the Department of Parks may maintain the cemetery in an appropriate manner, or may take title to a cemetery by deed of conveyance.

Section 2. The Department of Parks shall maintain or take title to any of the following cemeteries, upon formal request of the owning or controlling entity:

Pewee Valley Confederate Cemetery, Oldham County
Goodnight Farm Confederate Cemetery, Boyle County
Zollicoffer Park Confederate Cemetery, Pulaski County
Camp Beauregard Cemetery, Graves County

Section 3. Expenditures by the Department of Parks for the purpose of this Act shall not exceed twelve hundred dollars annually.

**HB 116,** AN ACT relating to the State Police Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 16.505 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 16.505 to 16.645, unless the context otherwise requires:

(1) "System" means the State Police Retirement System

created by KRS 16.505 to 16.645;

(2) "Board" means the Board of Trustees of the Kentucky Employes Retirement System;

(3) "Employer" or "State Police" means the Division of State Police of the Department of Public Safety, or its successor;

(4) "Current Service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation is paid by the employer;

(5) "Prior Service" means the number of years and completed months of employment as an employe prior to July 1, 1958, for which creditable compensation was paid to the employe by the Commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Beneficiary" means the estate of a member or a person entitled to receive benefits under KRS 16.505 to 16.645;

(8) "Accumulated Contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in KRS 16.505 to 16.645, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(9) "Creditable Compensation" means all salary and wages paid to the employe as a result of services performed for the employer; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(10) "Final Compensation" at any time means creditable compensation of a member during the five fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during such five year period multiplied by twelve; such five years may be fractional, and need

not be consecutive. In the event the number of months of service credit during such five year period is less than forty-eight, one or more additional fiscal years shall be used;

(11) "Retired Member" means any member entitled to receive benefits under the provisions of KRS 16.505 to 16.645;

(12) "Retirement Allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially Equivalent Benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board;

(14) "Authorized Leave of Absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the Division of State Police;

(15) "Normal Retirement Date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five on July 1, 1958, it shall mean January 1, 1959. *A member with thirty or more years of service credit at least fifteen of which are current may declare his "Normal Retirement Date" to be some date prior to his fifty-fifth birthday;*

(16) "Disability Retirement Date" means the first day of the month following [six complete months of] total and permanent disability or partial disability;

(17) "Dependent Child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen nor married;

(18) "Optional Allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.505 to 16.645;

(19) "Vested Amount" at any time after fifty-five means the actuarially determined value at normal retirement dates of benefits otherwise payable beginning on the normal retirement date together with interest thereon compounded at the rate of

intrest used to determine the amount of interest credited to individual accounts;

(20) "Disability Ratio" mans that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(21) "Act in Line of Duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty.

Section 2. Section 16.545 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except for members over age fifty-five on July 1, 1958, who shall not be required to contribute, each member shall, commencing on *July 1, 1968* [the date he becomes a member], contribute for each pay period for which he receives compensation, *seven* [ten] percent of his creditable compensation [reduced by the Social Security taxes paid for said pay period].

(2) The Commissioner of Finance shall cause to be deducted from the compensation of each member for each and every payroll period subsequent to July 1, 1958, the contributions payable by such member as provided in KRS 16.505 to 16.645.

(3) Deductions from compensation for any period less than a full payroll period for any employe may be omitted if such procedure is authorized by the board.

(4) Every member shall be deemed to consent to deductions made as provided herein; and the payment of salary or compensation less such deduction shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by KRS 16.505 to 16.645.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 3. Section 16.576 of the Kentucky Revised Statutes is amended to read as follows:

(1) A member shall terminate employment on his normal retirement date.

(2) Any member with at least five years of service credit may retire at his normal retirement date, or subsequent thereto, upon written notification to the board, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and subsequent to the filing of such notice.

(3) The member shall have the right to elect to have his retirement allowance payable under any one of the plans set forth in this section. The member shall not have the right to revoke such election after the initial benefit payment has been drawn by the State Treasurer.

(4) The member may elect to receive an annual retirement allowance, payable monthly during his lifetime, equal to two percent of final compensation for each year of service credit [provided that such monthly payments shall be reduced by eighty dollars beginning with the first payment following his sixty-fifth birthday].

(5) The member may elect to receive a decreased [level] monthly retirement allowance *during his lifetime and have one-half of such retirement allowance continued after his death to his spouse or a dependent receiving at least one-half of his support from the member, during the lifetime of such person.* [payable for life,] *Such benefit payments shall be* actuarially equivalent to the retirement allowance payable under subsection (4) of this section.

(6) The member may elect to receive a monthly retirement allowance payable for ten years certain, actuarially equivalent to the retirement allowance payable under subsection (4) of this section.

(7) The member may elect to receive a decreased monthly retirement allowance during his lifetime and have such retirement allowance continued after his death to his spouse or a dependent receiving at least one-half of his support from the member, during the lifetime of such person. Such benefit payments shall be actuarially equivalent to the retirement allowance

payable under subsection (4) of this section. [In case of such an election, benefits that might otherwise be provided under KRS 16.573 shall not be payable upon the death of the member.]

Section 4. Section 16.578 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a member, eligible to retire on benefits payable as provided in KRS 16.576, dies at any time before the first benefit payment has been drawn by the State Treasurer and has on file with the board at the time of his death a written designation of a beneficiary, who is his spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly which shall be equal to the benefit that would have been paid had the member retired immediately prior to his date of death and elected to receive payments under subsection (7) of KRS 16.576 or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.

(2) If a member in service with *eight* [ten] or more years of service dies at any time before his normal retirement date and has on file with the board at the time of his death a written designation of a beneficiary, who is his spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive an annual benefit payable monthly which shall be equal to the benefit the member would have been entitled to receive, based on his age, years of service and final compensation at the date of his death, had the member been eligible for retirment and had he chosen benefits payable under subsction (7) of KRS 16.576 or the said beneficiary may elect the actuarial equivalent payable for one hundred twenty months certain.

Section 5. Section 16.581 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the event disability is total and permanent as provided in KRS 16.580 and occurs *on or after July 1, 1968,* as a direct result of an "act in line of duty", the member in service

shall retire on his disability retirement date and shall be eligible to receive [a monthly] retirement *benefits* [benefit] as follows:

(a) For the disabled member, *a lump sum payment of $10,000 or an annual retirement allowance payable monthly equal to two percent of final compensation multiplied by the number of years of service* [forty-five percent of his monthly rate of creditable compensation in effect at the time of the disability until death].

(b) For each dependent child of the member on his disability retirement date, who is alive, unmarried and under age eighteen at the time any particular payment is due *a monthly payment of $50* [an additional amount of ten percent of the member's monthly rate of creditable compensation at the time of disability].

(2) In the event disability is total and permanent as provided in KRS 16.580 and is not a direct result of an "act in line of duty", the member in service with *eight* [ten] years of service credit shall retire on his disability retirement date and shall be eligible to receive an annual retirement allowance payable monthly equal to two percent of final compensation multiplied by the number of years of service, provided such annual retirement allowance shall not be less than $480.

(3) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is age fifty-five or over.

Section 6. Section 16.601 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* In the event the death of a member in service occurs *on or after July 1, 1968,* as a direct result of an "act in line of duty" *and the member has on file with the board at the time of his death a written designation of a beneficiary who is his spouse, then said beneficiary may elect to receive a lump sum payment of $5,000 and a monthly payment of $100 beginning in the month following the member's death and continuing each month for 120 months or death or until she remarries, whichever occurs first.* [, benefit payments shall be made as follows:]

[(1) If the member has on file with the board at the time of his death a written designation of a beneficiary, who is his spouse or a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive a lump sum payment of $10,000 in lieu of any other benefits due the beneficiary under any of the provisions of KRS 16.505 to 16.645.]

*(2) In the event the death of a member in service occurs on or after July 1, 1968, as a direct result of an "act in line of duty" and the member has on file with the board at the time of his death a written designation of a beneficiary other than his spouse, who is a dependent receiving at least one-half of his support from the deceased member, then said beneficiary may elect to receive a lump sum payment of $10,000.*

*(3)* [(2)] In the period of time following a member's death during which dependent children survive, monthly payments *of $50* shall be made for each child who is alive, unmarried and under age eighteen at the time any particular payment is due [in an amount equal to ten percent of the member's monthly rate of creditable compensation at the time of death]. Such payments [, subject to the provisions of KRS 16.625,] shall commence in the month following the date of death of the member and shall be payable to the beneficiaries, or to a legally appointed guardian or as directed by the board.

*(4) Payments provided for in this section shall be made in lieu of any other benefits due under any of the provisions of KRS 16.505 to 16.645.*

Section 7. Section 16.651 of the Kentucky Revised Statutes is amended to read as follows:

A person receiving retirement payments under *KRS 16.576(4) or KRS 16.576(5) or KRS 16.576(7)* [the State Police Retirement System Act], shall be entitled to have his benefits recomputed on *July 1, 1968* [July 1, 1964], in accordance with the formula then in effect, provided that the annual retirement allowance of such person shall not be decreased. [The unmarried widow of a member whose death occurred as a direct result of an "act in line of duty" subsequent to July 1, 1958, and prior

to July 1, 1964, shall be entitled to elect a benefit payment in accordance with subsection (1) of KRS 16.601 in lieu of any benefits the beneficiary of such member may have heretofore been entitled to receive.]

Section 8. Section 16.625 of the Kentucky Revised Statutes is hereby repealed.

Section 9. This Act shall become effective on July 1, 1968.

**HB 115,** AN ACT relating to the County Employes Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 78.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) The treasurer of the county shall, by the tenth day of each month, forward to the board an amount equal to the aggregate amount of the members' contributions deducted during the previous month in accordance with KRS 78.610 and the aggregate amount of the employer's contributions due for the previous month in accordance with KRS 78.620.

(2) The treasurer or some other person designated by the county shall forward a record of all such contributions to the board on such forms as the board may prescribe.

(3) Delinquent contributions, with interest at the rate of six percent per year compounded annualy, may be recovered by action in the Franklin Circuit Court against the county liable therefor or may at the request of the board, be deducted from any other moneys payable to such county by any department or agency of the state.

*(4) In the event an agency is delinquent in the payment of contributions due in accordance with any of the provisions of KRS 78.510 to 78.880, refunds and retirement allowance payments to members of this agency shall be suspended until the delinquent contributions have been made.*

Section 2. Section 78.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon retirement at normal retirement date, or subsequent thereto, a member may receive an annual retirement allowance payable monthly during his lifetime, which shall consist of an amount equal to *one and one-half* [1.43] percent of final compensation multiplied by the number of years of service credit.

(2) Upon service retirement prior to normal retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced to reflect the earlier commencement of benefits *except that there shall be no reduction in the retirement allowance of the member who has thirty or more years of service credit at least fifteen of which are current service.*

Section 3. Section 78.730 of the Kentucky Revised Statutes is amended to read as follows:

(1) Should a member receiving a disability retirement allowance recover from such disability at any time prior to his normal retirement date, his disability retirement allowance shall cease *until the member has reached his normal retirement date at which time the retirement allowance payments shall be reinstated under the plan the member was receiving payments prior to such cessation. However,* [, and] if he re-enters the *regular full-time employment* [active employ] of a participating county [within one year of such recovery,] he shall [continue to] be a member of the system and shall [thereafter] make his required contributions *and his retirement allowance at any future time shall take into consideration the additional service credit and the final compensation during such reemployment* [. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as service].

(2) The excess, if any, of accumulated contributions of

such member as of the date of disability retirement over the disability retirement allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

Section 4. Section 78.750 of the Kentucky Revised Statutes is amended to read as follows:

Should a member die at any time after retirement but before receiving total retirement allowances provided in KRS 78.510 to 78.880 at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member [, unless the retirement allowance is then being paid in accordance with any of the options contained in KRS 78.510 to 78.880].

Section 5. Section 78.760 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member shall have the right to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of KRS 78.510 to 78.880. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to him.

(2) Option (a). The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance continued after his death to his spouse, or a dependent receiving at least one-half of his support from the member, during the lifetime of such person. [In case of such an election death benefits that might otherwise be provided under KRS 78.750 shall not be payable upon the death of the member.]

(3) Option (b). The member may elect to receive a decreased retirement allowance during his lifetime and have one-half of such retirement allowance continued after his death

to his spouse, or a dependent receiving at least one-half of his support from the member, during the lifetime of such person. [In case of such an election death benefits that might otherwise be provided under KRS 78.750 shall not be payable upon the death of the member.]

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Metropolitan Park and Recreation Board of Jefferson County, Kentucky, established by joint and concurrent resolution of the Jefferson County Fiscal Court and ordinance of the Board of Aldermen of the City of Louisville to become effective on July 1, 1968, is hereby declared to be the successor of the Jefferson County Playground and Recreation Board for purposes of participation in the County Employes Retirement System.

(2) Regular full-time employes of the Metropolitan Park and Recreation Board of Jefferson County shall be given credit for regular full-time service before July 1, 1958, with the City of Louisville Department of Parks and Recreation, the Jefferson County Playground and Recreation Board and any other agency participating in the County Employes Retirement System.

(3) Any regular full-time employe of the Metropolitan Park and Recreation Board of Jefferson County shall be allowed credit for regular full-time service with the City of Louisville Department of Parks and Recreation, the Jefferson County Playground and Recreation Board and any other agency participating in the County Employes Retirement System, for the period July 1, 1958, to the date such employe becomes a member of the retirement system, provided such employe pays contributions to the retirement system in accordance with the provisions of KRS 78.607.

Section 7. This Act shall become effective on July 1, 1968.

**HB 118,** AN ACT relating to the Kentucky Employes Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 61.595 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon retirement at normal retirement date, or subsequent thereto, a member may receive an annual retirement allowance, payable monthly during his lifetime, which shall consist of an amount equal to *one and one-half* [1.47] percent of final compensation multiplied by the number of years of service credit, provided that the annual normal retirement allowance for each year a member has served as a member of the General Assembly shall not be less than *$100* [$75]. The annual normal retirement allowance for a member with ten or more years of service, at least one of which is current service, shall not be less than $480.

(2) Upon service retirement prior to normal retirement date, a member may receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced to reflect the earlier commencement of benefits *except that there shall be no reduction in the retirement allowance of the member who has thirty or more years of service credit at least fifteen of which are current service* [; and the determination made pursuant to this subsection shall not take into account the minimum annual retirement allowance of $480 provided in subsection (1) of this section].

Section 2. Section 61.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Should a member receiving a disability retirement allowance recover from such disability at any time prior to his normal retirement date, his disability retirement allowance shall cease *until the member has reached his normal retirement date at which time the retirement allowance payments shall be reinstated under the plan the member was receiving payments prior to such cessation. However,* [, and] if he re-enters the *regular full-time employment* [active employ] of a participating depart-

ment [within one year of such recovery,] he shall [continue to] be a member of the system and shall [thereafter] make his required contributions *and his retirement allowance at any future time shall take into consideration the additional service credit and the final compensation during such reemployment* [. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as service].

(2) The excess, if any, of accumulated contributions of such member as of the date of disability retirement over the disability retirement allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

Section 3. Section 61.630 of the Kentucky Revised Statutes is amended to read as follows:

Should a member die at any time after retirement but before receiving total retirement allowances provided in KRS 61.510 to 61.700 at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member [, unless the retirement allowance is then being paid in accordance with any of the options contained in KRS 61.635 or 61.640].

Section 4. Section 61.635 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member shall have the right to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of KRS 61.510 to 61.700. The amount of any such optional retirement allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to him.

(2) Option (a) The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance continued after his death to his spouse, or a dependent receiving at least one-half of his support from the

member, during the lifetime of such person. [In case of such an election death benefits that might otherwise be provided under KRS 61.630 shall not be payable upon the death of the member.]

(3) Option (b) The member may elect to receive a decreased retirement allowance during his lifetime and have one-half of such retirement allowance continued after his death to his spouse or a dependent receiving at least one-half of his support from the member, during the lifetime of such person. [In case of such an election death benefits that might otherwise be provided under KRS 61.630 shall not be payable upon the death of the member.]

Section 5. This Act shall become effective on July 1, 1968.

The Committee on Rules reported **HB 50** with Committee Amendment attached thereto, **HB 46** with Committee Substitute attached thereto, **HB 66, HB 149, HB 34, HB 106, HB 90** and **HB 88** with the expression of opinion that the same should pass.

### Committee Appointment

The Committee on Committees announced removal of Julian M. Carroll from the Committee on Judiciary with his consent and the appointment of Hughes McGill to the Committee on Judiciary.

### Motions, Petitions, and Communications

Representative Jones requested his name be added as a sponsor of **HB 139.** Agreed.

Representative Hunt requested the Committee on Committees appoint a Committee to examine the Merit System. Agreed.

**HR 29:** A RESOLUTION in memory of a past member of the House of Representatives.

WHEREAS, the Honorable Samuel Houtchens, a former member of this House, departed this life on Friday, January 26, 1968; and

WHEREAS, Mr. Houtchens had faithfully served the 30th Legislative District as its duly elected member in the Kentucky

House of Representatives for three terms, including the 1960, 1962 and 1964 sessions; and

WHEREAS, Mr. Houtchens was a member of the Masonic Lodge for more than 50 years, attaining the degrees of 32nd degree Mason, Shriner, and knight commander of the Court of Honor, thus becoming one of the highest ranking Masons in the Commonwealth; and

WHEREAS, Mr. Houtchens was an agriculturist who demonstrated his interest in the land and its proper use by serving as supervisor of the Nelson County Soil Conservation District; and

WHEREAS, the House of Representatives shares with the family of Mr. Houtchens their grief in this time of sorrow;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives does adjourn on Wednesday, January 31, 1968, it does so adjourn out of respect and in tribute to the late Samuel Houtchens.

Section 2. That this resolution commemorating Mr. Houtchens be recorded for all posterity in the Journal of the House of Representatives and that copies of this resolution be sent to Mr. Houtchens' widow and to his nephew, Booker McClaskey.

Representative Keene moved the adoption of **HR 29.** Agreed.

The following representatives requested their names be listed as sponsors of **HR 29:**

Representatives—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Carroll, Clapp, Clark, Coffey, Cruse, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R.

Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wooley and Wright.

**HR 28:** A RESOLUTION inviting John Y. Brown to appear before the House of Representatives to present his traditional Lincoln Day address.

WHEREAS, the Honorable John Y. Brown has in recent years presented to this House a distinctive and monumental oration in honor of Lincoln's Birthday; and

WHEREAS, John Y. Brown, though not now a member of the House of Representatives, is recalled as an orator of no small attainment and a gentleman most suitable to honor our sixteenth President;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Honorable John Y. Brown be and he hereby is invited to appear before the House of Representatives to present his traditional Lincoln Day address.

Representative McBrayer moved the adoption of **HR 28.**

On the roll call the vote was yeas 86—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Carroll, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley. Nays 1—DeMarcus.

**HR 28** was passed and the title agreed to.

Representative James moved that **HB 22** be given first reading, notwithstanding the report of the Committee; and, **HB 22** be recommitted to the Committee on Public Utilities and Transportation.

Representative James withdrew the above motion.

Representative James moved that the Rules be suspended to make a motion. Agreed.

Representative James moved that **HB 22** be given first reading, notwithstanding the report of the Committee; and, **HB 22** be recommitted to the Committee on Public Utilities and Transportation.

On the roll call the vote was yeas 42—Allen, Arnett, Ball, Blythe, Bowles, Bruce, Coffey, Cox, Walter F. Davis, Dawhare, DeMarcus, Floyd, Halleck, Hoe, Hoffman, Huff, Irick, James, Johnson, Justice, Keene, Lankford, Louden, Maddox, May, McBrayer, McGill, McKinney, Melton, Robert L. Miller, Mitchell, Prather, Rattliff, Richey, Rickert, Saylor, Simmons, Smith, Walters, Webster, Wheeler, Wolchik. Nays 20—Baker, Ballenger, Bamberger, Cruse, Curlin, J. A. Davis, Greer, Holbrook, Isler, Jones, Lawson, Massey, McCallum, C. R. Miller, Murphy, Siemens, Stuart, Tobin, White, Wright.

The motion that **HB 22** be given first reading, notwithstanding the report of the Committee, and be recommitted to the Committee on Public Utilities and Transportation was defeated.

## Orders of the Day

**HB 108** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe,

Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 2—Blythe, Floyd.

**HB 108** was passed and the title agreed to.

Representative Cox moved that the vote by which **HB 108** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 50** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 46** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of Committee Substitute to **HB 46.** Agreed.

Representative Walters moved that **HB 46** be laid on the Clerk's desk. Rejected.

On the roll call the vote was yeas 90—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence, R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart,

Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 3—Curlin, Hunt, Walters.

**HB 46** as amended was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 46** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 66** be deferred and that it retain its position in Orders of the Day. Agreed.

**Senate Message**

Announcing passage of **SB 1, SB 45, SB 48, SB 65, SB 77, SB 79, SB 90** and **SB 97.**

**HB 149** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 149** was passed and the title agreed to.

Representative Isler moved that the vote by which **HB 149** was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker vacated the Chair. Speaker Pro Tem McBrayer presiding.

**HB 34** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 34** was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 34** was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker resumed the Chair.

Representative Morgan moved that consideration of **HB 106** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 90** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 89—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler,

James, Johnson, Jones, Justice, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 90** was passed and the title agreed to.

Representative Cox moved that the vote by which **HB 90** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 88** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Thursday, February 1, 1968.

On the roll call the vote was yeas 49—Akers, Arnett, Baker, Ball, Blandford, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Dawhare, Denham, Greer, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Johnson, Jones, Keene, King, Lankford, Louden, Maddox, McBrayer, McKinney, Melton, Robert L. Miller, Mitchell, Morgan, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Smith, Stuart, Tobin, Wells, White, Wooley, Wright. Nays 2—Halleck, Siemens.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 1, 1968

## TWENTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives Riddle and Saylor.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of January 31, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 215,** by Representative Denham: AN ACT relating to the disposition of the body of a deceased person.

**HB 216,** by Representative Irick: AN ACT relating to mileage allowance for sheriffs, deputy sheriffs, constables, and justices of the peace.

**HB 217,** by Representatives Blythe, McBrayer and Baker: AN ACT relating to daily rates of pay for members of the Kentucky National Guard employed in active State Service.

**HB 218,** by Representative Rickert: AN ACT relating to court reporters.

**HB 219,** by Representative Morgan: AN ACT relating to search and arrest warrants.

**HB 220,** by Representative Morgan: AN ACT relating to stopping, questioning and searching of persons in public places.

**HB 221,** by Representative Morgan: AN ACT relating to the acquisition or transfer of pistols or revolvers.

**HB 222,** by Representative Isler: AN ACT relating to sales and use taxes.

**HB 223,** by Representatives Baker, Wesley and Rickert: AN ACT relating to judicial sales.

**HB 224,** by Representative James: AN ACT relating to railroad grade crossings.

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Appropriations and Revenue: **HB 180, HB 195, SB 1.**

Banking and Insurance: **HB 181.**

Business Organizations and Professions: **HB 185, HB 198.**

Cities: **HB 193, HB 197, HB 201, HB 208, HB 209, SB 45, SB 48.**

Counties and Special Districts: **HB 187, SB 79, SB 97.**

Education: **HB 190, HB 204.**

Elections and Constitutional Amendments: **HB 178, HB 186, HB 189, HB 192, HB 199, HB 200, HB 203, SB 4.**

Health and Welfare: **HB 183, HB 196, HB 206.**

Highways and Traffic Safety: **HB 184, HB 188, HB 191, HR 30.**

Judiciary: **HB 176, HB 179, HB 182, HB 194, HB 210, HB 214, SB 65, SB 77, SB 90.**

Labor: **HB 202.**

State Government: **HB 177, HB 205, HB 207, HB 211, HB 212, HB 213, SB 50, SR 14.**

### Special Committee

In accordance with the request of Representative Hunt that a Special Committee be appointed by the Committee on Committees to study the Merit System Law, its enforcement and application, the Committee on Committees appointed such a Committee composed of eight members appointed pursuant to the House Rules. The members so appointed are as follows: Representative

McBrayer, Chairman; Representatives Mitchell, Cox, Hunt, Blume, Wooley, Greer and Ball.

**Report of Committees**

The Committee on Rules reported **HB 49, HB 20, HB 4, HB 121, HB 28** and **HB 45** with the expression of opinion that the same should pass.

The Committee on Elections and Constitutional Amendments reported **HB 83** with the expression of opinion that the same should not pass.

The Committee on Education reported **HB 16** with the expression of opinion that the same should not pass.

The Committee on Education reported **HB 133** and **HB 124** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 133,** AN ACT relating to expansion of public higher education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.026 is amended to read as follows:

(1) The General Assembly recognizes the continuing need for [medical and dental] education and research in Kentucky, and that the need is larger than the capacity of the facilities of the state *universities* [university] to supply. The General Assembly finds that the University of Louisville [Medical and Dental Schools] helps to supply, for the entire state, this need [existing in the fields of medical and dental education and research], and declares that support of the University of Louisville [Medical and Dental Schools] is a public purpose for which public money may be validly expended.

(2) The University of Louisville shall keep its books and records available to the State Auditor. An audit of expenditure of public money by the University is subject to the laws generally governing audits of expenditures of public money.

**HB 124,** AN ACT relating to sick leave for teachers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 161.155 of the Kentucky Revised Statutes is amended to read as follows:

(1) For the purpose of this section, "teacher" shall mean any person for whom certification is required as a basis of employment in the common schools of the state.

(2) Each district board of education shall allow to each teacher in its common school system not less than ten days' sick leave during each school year, without deduction of salary, provided he presents a personal affidavit or a certificate of a reputable physician stating that he was ill on the day or days absent.

(3) Any days of sick leave not taken during any school year shall accumulate and may be taken in any subsequent school year or years, except that no teacher shall be entitled to take more than twenty days of accumulated sick leave unless the district board of education, in its discretion, authorizes a greater number of days to be accumulated. Any district board of education may, in its discretion, allow teachers in its common school system sick leave in excess of the number of days prescribed in this section.

*(4) Each district board of education may adopt regulations under which any teacher may use accumulated sick leave days for personal reasons of an emergency or extraordinary nature, not to exceed three days per school year.*

The Committee on Education reported **HB 163** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 84** with Committee Amendment attached thereto, **HB 166** with Committee Amendment attached thereto, **HB 36, HB 150,** and **HB 99** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 84,** AN ACT relating to public offenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 437.010 is amended to read:

*(1)* Any person who is guilty of a breach of the peace, [riot, rout, unlawful assembly] or affray shall be fined not more than one hundred dollars or imprisoned for not less than five nor more than fifty days, or both.

*(2) Any person who incites to riot, or participates in any, riot, rout or unlawful assembly shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years.*

Committee Amendment to **HB 84** is as follows:

Amend printed copy of House Bill 84 on page 1, lines 6 through 9:

by deleting lines 6 through 9 in their entirety and inserting in lieu thereof the following:

"(2) Any person who is guilty of inciting riot, participating in any riot, rout or unlawful assembly shall be imprisoned in the county jail not to exceed 12 months or fined not less than $100 nor more than $1,000, or both."

**HB 166,** AN ACT relating to conveyances.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. All deeds for property acquired by the state under the authority of KRS Chapter 177, shall contain a description of the property by metes and bounds. The grantor shall submit with the deed an accurate map of the boundaries, made by a competent surveyor prior to the date of the deed conveying the land to the state. Where adjacent property is retained the map shall show the original tract from which the property, conveyed by the deed, has been taken and the corners, angles and calls of the boundaries of that land conveyed to the state by the deed.

Section 2. No county clerk or deputy shall receive and permit to be lodged for record any deed to the state for property acquired under the authority of KRS Chapter 177 which does

not contain a metes and bounds description and is not accompanied by a map as required by Section 1 of this Act.

Committee Amendment to **HB 166** is as follows:

Amend printed copy of House Bill 166 on page 1, lines 3, 4, by:

striking the words "grantor shall submit" and substituting therefor the following: "grantee shall provide and file"

**HB 36,** AN ACT relating to children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 199.600 of 1966 Supplement is amended to read:

(1) In a proceeding involving a neglected or abandoned child, as defined in KRS 199.011, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the state, and may vest the care, custody and control of the child in the department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially and continuously or repeatedly refused, or being able have neglected, to give the child parental care and protection, or that the child is neglected and that the parents have been adjudged mentally incompetent and such judgment has been in effect for not less than one year.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the state, unless with the voluntary consent of the other parent, or, if the circumstances described in subsection (1) of this section with respect to only one of the two legitimate parents, and if that parent [has been ordered by the court to give support to the child and] has willfully, substantially and continuously refused for a period of at least one year to give any support, the

parental rights of that parent may be terminated immediately by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be constructively summoned as provided in the Rules of Civil Procedure.

(4) In the event the infant is made party defendant to the action, the boarding home or foster parent shall not be served with summons notwithstanding provisions of CR 4.04 (4).

(5) The court may be convened at any time wherever the judge thereof may be found within his district, irrespective of the regular term, for the purpose of terminating parental rights under this section, and shall complete the same as soon as possible.

(6) Proceedings under this section may be instituted upon petition by the department, any probation officer, any state or local law enforcement officer, any county or commonwealth's attorney or a natural parent.

**HB 150,** AN ACT relating to crime and punishment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Subject to the limitations set out in subsection (2), any person convicted of a felony and sentenced therefor to confinement in a penal institution shall have credited on his sentence the time during which he was confined in jail, prior to conviction, because of inability to make bond on the charge out of which his conviction arose.

(2) In the event an accused has been released on bond and, thereafter, the bond has been forfeited, no credit shall be allowed for time confined in jail after such forfeiture; or, if, after release

on bond, the accused should be confined on another felony charge, any time of confinement thereafter shall be a credit, if any, only against the sentence arising out of the latter charge.

**HB 99,** AN ACT relating to the Uniform Commercial Code.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS Supp. (1966) 355.9-302 is amended to read:

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under KRS 355.9-305;

(b) a security interest temporarily perfected in instruments or documents without delivery under KRS 355.9-304 or in proceeds for a ten day period under KRS 355.9-306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of *$500* [$2500]; but filing is required for a fixture under KRS 355.9-313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under KRS 355.9-313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (KRS 355.4-208) or arising under the Article on Sales (see KRS 355.9-113) or covered in subsection (3) of this section;

(g) a security interest in property, including after acquired property, under a mortgage or security agreement creating a lien upon real and personal property, including after-acquired property, executed by a railroad or public utility corporation and recorded and filed pursuant to the applicable provisions of the Kentucky Revised Statutes.

(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this article do not apply to a security interest in property subject to a statute:

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of this state which provides for central filing of, or which requires indication on a certificate of title of such security interests in such property.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by a registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

(5) KRS 355.9-401 to 355.9-406, inclusive, shall not apply to a security interest in property of any description, including after-acquired property of whatever kind, or any interest therein, created by a deed of trust or mortgage made by a utility, as defined in KRS 278.010, a corporation formed under KRS 279.010 to 279.220 or a corporation formed under KRS 279.310 to 279.600, but such security interest can be perfected only by recordation in accordance with the requirements of KRS 382.340.

Section 2. KRS 355.9-302 is amended to read:

(1) A buyer in ordinary course of business (subsection (9) of KRS 355.1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) If any tobacco crop subject to the lien of a security interest is sold at public auction through a duly licensed tobacco warehouse in the ordinary course of business, a bona fide purchaser for value of such crop shall take title thereto free and

clear of any such lien, and the warehouseman selling such tobacco crop shall not be liable to the holder of such lien, unless written notice by registered mail of such lien and the amount thereof, the name and address of the debtor and proper identification of the property subject to lien, are given to the tobacco warehouseman prior to the payment of the proceeds of sale to the owner or producer of such tobacco crop.

(3) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of *$500* [$2500] (other than fixtures, see KRS 355.9-313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

Committee Amendment to **HB 99** is as follows:

Amend printed copy of House Bill 99 on page 3, line 12, by: amending "KRS 355.9-302" to read "KRS 355.9-307"

The Committee on Elections and Constitutional Amendments reported **HB 61** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 61,** AN ACT relating to election challengers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 118.240 is amended to read:

(1) The county executive committee of any political party having a ticket to elect at any regular election, may designate not more than two challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. The challengers *shall be registered voters of the county in which the election is held,* shall be appointed in writing signed by the chairman of the committee and shall produce written appointments on demand of any election officer.

(2) Any school board candidate, independent candidate, or independent ticket at the regular election may designate not more than one challenger to be present at and witness the holding of the elections in each precinct in the county. The challenger shall be entitled to stay in the room or at the door. The challenger *shall be a registered voter of the county in which the election is held,* shall be appointed in writing by the chairman of the committee, independent candidate or candidates representing a ticket, and shall produce written appointment on demand of any election officer.

(3) Each challenger shall take the following oath: "You do solemnly swear that you will faithfully and impartially discharge the duties as official challenger assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an elector; that you will use no means to influence a voter; and that you will not disclose to any person how any elector has voted."

Section 2. KRS 119.210 is amended to read:

Each political party is entitled to have not exceeding two challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 116.110, of the same political party equal to twenty-five percent of all the candidates for that party to be voted for in a county in any primary, including state, district and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger for any precinct from any one list. The list of challengers shall be presented to the chairman or secretary of the party committee of the county not less than seven days before the date on which the primary is to be held, and the

committee or the chairman thereof shall make the appointments and certify to same at least four days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section, and the challengers *shall be registered voters of the county in which the primary is held,* shall be subject to the same penalties and possess the same rights and priveleges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chairmen of the political party committees in the manner provided in KRS 116.100.

The Committee on Cities reported **HB 53** and **HB 132** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 53,** AN ACT relating to auxiliary police forces in cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 95.445 is amended to read as follows:

The legislative body of a city of the second, [or] third, *fourth, fifth, or sixth* class may by ordinance provide for the establishment or abolishment of an auxiliary police force to perform special duties within the city on terms it deems proper. The ordinance shall prescribe the number of officers and men of such force and the manner of their appointment, and rules and regulations governing the powers and duties of members of such force.

**HB 132,** AN ACT relating to councilmen of cities.

WHEREAS, the duties of councilmen of cities of the fourth class have become and will continue to become more arduous and time consuming and the provisions of KRS 82.070 limiting compensation paid to members of the legislative bodies of all cities which operate under the councilmanic form of government, to a sum not exceeding fifteen dollars per actual legislative day, is no longer realistic or adequate compensation;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The compensation paid to members of the legislative bodies of cities of the fourth class which operate under the councilmanic form of government, shall be fixed by the legislative bodies of such cities in a sum not to exceed twenty-five dollars per actual legislative day.

Section 2. KRS 82.070 is amended to read as follows:

The compensation paid to members of the legislative bodies of all cities which operate under the councilmanic form of government, shall be fixed by the legislative bodies of such cities in a sum not to exceed fifteen dollars per actual legislative day. This section shall not apply to cities of the first class *nor to cities of the fourth class.*

The Committee on Business Organizations and Professions reported **HB 147** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 147,** AN ACT relating to the educational qualifications of practitioners of the healing arts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. No person shall be eligible for licensure to practice any healing art in this state unless and until he furnishes satisfactory evidence to the appropriate licensing agency, that prior to the commencement of his professional education and training in that healing art, he was credited with not less than 60 transferable units of study by a college or university accredited by the Southern Association of Colleges and Schools or an accrediting agency recognized by the Southern Association of Colleges and Schools or any successor to the powers of either; provided, however, that the transferability of credits from colleges and universities located outside the United States and Canada

shall be determined by the appropriate licensing agency.

Section 2. (a) The term "healing art," as used herein, includes the practices of medicine, osteopathy, dentistry, chiropody (podiatry), optometry, and chiropractic, but does not include the practices of Christian Science or midwifery.

(b) The term "transferable units of study" means semester hour (or equivalent) credits and may include advance placement credits.

Section 3. This Act shall not apply to any student who is enrolled in any school of medicine, osteopathy, dentistry, chiropody (podiatry), optometry, or chiropractic on the effective date hereof, nor shall it effect the right of any person who is presently licensed to practice a healing art in this state, to have his license renewed upon compliance with all other requirements of law.

Section 4. All laws or parts of laws in conflict herewith, are repealed to the extent of such conflict.

## Calendar

**SB 18, HB 118, HB 115, HB 116,** and **HB 8** with Committee Substitute attached thereto, taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Peace moved that the Rules be suspended for the purpose of making the motion that **HB 4** be taken from Orders of the Day and placed upon its passage.

On the roll call the vote was yeas 43—Baker, Ball, Blythe, Bowles, Clark, Coffey, Cruse, James A. Davis, DeMarcus, Denham, Floyd, Harper, Holbrook, Huff, James, Johnson, Jones, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Maddox, McKinney, Melton, Peace, Rattliff, Richey, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler,

White, Wolchik, Wooley, Wright. Nays 9—Allen, King, Massey, McCallum, McGill, Morgan, Pettit, Prather, Rickert.

The motion that the Rules be suspended for the purpose of taking **HB 4** from Orders of the Day and placing it upon its passage was rejected.

Representative Kidd moved that the Rules be suspended for the purpose of making the motion that **HB 16** be recommitted.

On the roll call the vote was yeas 21—Ball, Bamberger, Blume, Blythe, Bruce, Cox, DeMarcus, Denham, Irick, Johnson, Justice, Kidd, Lawson, McGill, McKinney, Mershon, Rattliff, Ray, Russell Reynolds, Schmidt, Siemens. Nays 6—Huff, R. L. Miller, Morgan, Peace, Sartin, Webster.

The motion that the Rules be suspended for the purpose of making the motion that **HB 16** be recommitted was rejected.

Representative W. J. Reynolds moved that the Rules be suspended for the Introduction of Resolutions. Agreed.

**Introduction of Bills and Resolutions**

**HR 32,** by Representatives W. J. Reynolds, Akers, Allen, White, Bowles, Peace, Huff, Rattliff, Justice and Irick: A CONCURRENT RESOLUTION urging Governor Louie B. Nunn to include the necessary monies in the 1968-70 executive budget to match federal monies available for the construction and operation of a vocational rehabilitation center in Eastern Kentucky.

**HR 31,** by Representatives Blume and W. J. Reynolds: A RESOLUTION directing local authorities to investigate members of police departments and remove officers who are members of extremist groups.

WHEREAS, extremist groups such as the Ku Klux Klan, the Nazi Party, the John Birch Society, the Communist Party and the Student Non-Violent Coordinating Committee are organizations founded on hate and prejudice; and

WHEREAS, it has been alleged that members of extremist groups are working as police officers in Kentucky; and

WHEREAS, a Kentucky city is considering hiring as a police

officer a former sheriff who cooperated with extremist groups to bring about a breakdown of law enforcement in Mississippi; and

WHEREAS, cities across the nation are facing mounting racial problems wherein law enforcement officers must maintain relativity in the performance of their duties;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That responsible local authorities investigate any charge that members of extremist groups such as the Ku Klux Klan, the Nazi Party, the John Birch Society, the Communist Party and the Student Non-Violent Coordinating Committee are employed as officers of local police forces, and remove from service as police officers any such extremist group members.

Representative Blume moved the adoption of **HR 31.**

On the roll call the vote was yeas 24—Ball, Blume, Cox, Curlin, Hampton, Hoffman, Hunt, Irick, Justice, Keene, Kidd, Lankford, May, McBrayer, McGill, McKinney, Mershon, Pettit, W. J. Reynolds, Siemens, Tobin, Webster, White, Wooley. Nays 14—Allen, Baker, Ballenger, Clark, DeMarcus, Huff, James, Kessinger, Melton, R. L. Miller, Peace, Richey, Russell, Sartin.

**HR 31** was passed and the title agreed to.

## Orders of the Day

Representative Morgan moved that consideration of **HB 50,** with Committee Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 66** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved that **HB 66** be laid on the table.

On the roll call the vote was yeas 35—Alexander, Arnett, Baker, Ballenger, Bamberger, Clapp, Clark, Curlin, DeMarcus,

Denham, Greer, Hoe, Irick, Jones, Keene, Keith, Lankford, Lawson, Massey, McCallum, McGill, Melton, Mitchell, Peace, Pettit, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Stuart, Vanover, Wells, Wooley, Wright. Nays 33—Akers, Ball, Blandford, Blume, Bowles, Bruce, J. A. Davis, Dawhare, Hardin, Hinkle, Hoffman, Holbrook, Huff, Hunt, Isler, James, Johnson, Justice, Kessinger, Kidd, King, Louden, McBrayer, R. L. Miller, Morgan, Prather, Ray, Richey, Rickert, Siemens, Simmons, Smith, Walters.

**HB 66** was tabled.

Representative Walters moved that the vote by which **HB 66** was tabled be reconsidered.

On the roll call the vote was yeas 55—Akers, Arnett, Ball, Blandford, Bleemel, Blume, Bowles, Bruce, Coffey, Cruse, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Hampton, Hardin, Harper, Hinkle, Hoffman, Holbrook, Irick, Isler, James, Johnson, Justice, Kessinger, Kidd, King, Lassiter, Lawson, Maddox, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Prather, Rattliff, Ray, Russell Reynolds, Rickert, Sartin, Siemens, Smith, Tobin, Vanover, Walters, Webster, Wesley, Wolchik. Nays 31—Alexander, Baker, Ballenger, Bamberger, Blythe, Clapp, Clark, Curlin, Floyd, Hoe, Huff, Jones, Keene, Keith, Louden, Massey, McCallum, Melton, Mitchell, Pettit, Richey, Russell, Saylor, Schmidt, Simmons, Stuart, Wells, Wheeler, White, Wooley, Wright.

The motion that the vote by which **HB 66** was tabled be reconsidered was adopted.

Representative Clapp moved that action on **HB 66** be postponed indefinitely.

Representative R. Miller moved that consideration of **HB 66** be deferred until February 2, 1968, and that it retain its position in Orders of the Day.

On the roll call the vote was yeas 18—Bowles, James A. Davis, Dawhare, DeMarcus, Denham, Hinkle, Irick, Lankford, McCallum, Robert L. Miller, Morgan, Pettit, Russell Reynolds, Richey, Saylor, Webster, Wesley, Wheeler. Nays 70—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bland-

ford, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, W. F. Davis, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hoe, Hoffman, Holbrook, Huff, Hunt, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lawson, Louden, Maddox, Massey, McBrayer, McGill, McNamara, Melton, Mershon, C. R. Miller, Mitchell, Peace, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Sartin, Siemens, Smith, Stuart, Vanover, Walters, Wells, White, Wolchik, Wooley, Wright.

The motion that consideration of **HB 66** be deferred until February 2, 1968, and that it retain its position in Orders of the Day was rejected.

Representative Hardin moved the Previous Question on **HB 66.**

On the roll call the vote was yeas 50—Akers, Arnett, Ball, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cruse, Walter F. Davis, Dawhare, Denham, Hampton, Hardin, Hoffman, Holbrook, Irick, Isler, James, Johnson, Justice, Kessinger, Kidd, King, Lassiter, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Prather, Rattliff, Ray, Russell Reynolds, Richey, Rickert, Saylor, Smith, Walters, Webster, Wells, White, Wolchik, Wooley. Nays 27—Alexander, Baker, Ballenger, Bamberger, Cox, Curlin, DeMarcus, Greer, Harper, Huff, Hunt, Keene, Keith, Lawson, Louden, Maddox, Melton, Peace, Pettit, Russell, Sartin, Schmidt, Simmons, Tobin, Vanover, Wesley, Wright.

The motion on the Previous Question on **HB 66** was rejected.

Representative Webster moved that the House adjourn until 10:00 a.m., Friday, February 2, 1968.

On the roll call the vote was yeas 14—Blythe, Bowles, Clapp, DeMarcus, Denham, Hunt, James, Kessinger, Kidd, Lankford, Louden, Massey, McCallum, Russell. Nays 71—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clark, Cox, Cruse, Curlin, J. A. Davis, W. F. Davis, Dawhare, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler,

Jones, Justice, Keene, King, Lassiter, Lawson, Maddox, May, McBrayer, McNamara, Melton, Mershon, C. R. Miller, R. L. Miller, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, R. Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Wells, Wesley, White, Wolchik, Wooley, Wright.

The motion to adjourn was rejected.

Representative Wesley moved that the House recess for ten minutes.

On the roll call the vote was yeas 31—Akers, Arnett, Ball, Ballenger, Bamberger, Blythe, Bruce, DeMarcus, Denham, Greer, Halleck, Henry, Hinkle, Hoe, Hunt, James, Justice, Lankford, Lawson, McCallum, McNamara, Melton, Pettit, Russell, Smith, Tobin, Vanover, Wesley, Wheeler, Wooley, Wright. Nays 62—Alexander, Allen, Baker, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, W. F. Davis, Dawhare, Floyd, Hampton, Hardin, Harper, Hoffman, Holbrook, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, Mershon, C. R. Miller, R. L. Miller, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, R. Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Stuart, Walters, Webster, Wells, White.

The motion to recess was rejected.

On the roll call the vote was yeas 49—Alexander, Baker, Ballenger, Bamberger, Brown, Clapp, Clark, Cox, Curlin, Walter F. Davis, DeMarcus, Denham, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Huff, Hunt, Irick, Isler, Jones, Keene, Keith, Lankford, Lawson, Louden, Massey, McCallum, Melton, Mitchell, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Schmidt, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 43—Akers, Allen, Arnett, Ball, Blandford, Bleemel, Blume, Blythe, Bruce, Coffey, Cruse, J. A. Davis, Dawhare, Hampton, Hardin, Holbrook, James, Johnson, Justice, Kessinger, Kidd, King, Lassiter, Maddox, May, McBrayer, McGill, McKinney, McNamara, Mershon, C. R. Miller,

R. L. Miller, Morgan, Prather, Ray, Richey, Rickert, Saylor, Siemens, Simmons, Smith, Walters, Wolchik.

The motion that action on **HB 66** be postponed indefinitely was adopted.

Representative Morgan moved that consideration of **HB 106** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that consideration of **HB 88** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 49,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of the Committee Amendment to **HB 49.**

Representative Schmidt moved that the Committee Amendment be recommitted to the Committee.

Representative Denham moved that **HB 49** be laid on the Clerk's Desk. Agreed.

**HB 20** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J.

Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons ,Smith, Stuart, Tobin, Vanover, Walters, Wells, Wesley, White, Wolchik, Wooley. Nays 1—Floyd.

**HB 20** was passed and the title agreed to.

Representative McNamara moved that the vote by which **HB 20** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative McNamara requested permission that others be allowed to co-sign **HB 20.** Agreed.

**HB** 4 taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved that **HB** 4 be laid on the Clerk's Desk.

On the roll call the vote was 23—Ballenger, Blume, Bruce, Coffey, Cox, Greer, Hampton, Hardin, Harper, Hoffman, Hunt, Irick, Keene, King, Massey, May, McBrayer, McCallum, Mershon, Mitchell, Pettit, W. J. Reynolds, Schmidt. Nays 56—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Blythe, Bowles, Brown, Clapp, Clark, Cruse, J. A. Davis, W. F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Henry, Hoe, Holbrook, Huff, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, McKinney, Melton, C. R. Miller, R. L. Miller, Peace, Prather, Rattliff, Ray, R. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Simmons, Smith, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wright.

The motion that **HB** 4 be laid on the Clerk's Desk was rejected.

Representative Bruce moved that **HB** 4 be laid on the table.

On the roll call the vote was yeas 26—Arnett, Ballenger, Bamberger, Blume, Bruce, Curlin, Greer, Hampton, Hardin, Hoffman, Hunt, Isler, Keene, King, Massey, May, McBrayer, McCallum, Mershon, Mitchell, Morgan, Pettit, Prather, W. J. Reynolds, Rickert, Walters. Nays 54—Akers, Alexander, Allen,

Baker, Ball, Blandford, Blythe, Bowles, Clapp, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, Dawhare, Denham, Floyd, Halleck, Harper, Henry, Hinkle, Hoe, Holbrook, Huff, Irick, Jones, Justice, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, McKinney, Melton, Peace, Rattliff, Ray, R. Reynolds, Richey, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that **HB 4** be tabled was rejected.

Representative Blume moved that **HB 4** be recommitted.

On the roll call the vote was yeas 57—Akers, Allen, Arnett, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bruce, Cox, Curlin, James A. Davis, Dawhare, Floyd, Greer, Hampton, Hinkle, Hoe, Hoffman, Holbrook, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lassiter, Lawson, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wooley. Nays 29—Baker, Ball, Blythe, Bowles, Clapp, Clark, Coffey, Cruse, W. F. Davis, DeMarcus, Halleck, Harper, Henry, Huff, Jones, Keith, Lankford, Louden, Maddox, Melton, Peace, Rattliff, Ray, Richey, Russell, Saylor, Smith, White, Wright.

The motion that **HB 4** be recommitted to the Committee on Elections and Constitutional Amendments was adopted.

**HB 121** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan,

Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 121** was passed and the title agreed to.

Representative Prather moved that the vote by which **HB 121** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 28** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Brown, Clapp, Clark, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Johnson, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, May, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 2—Bowles, Louden.

**HB 28** was passed and the title agreed to.

Representative Walters moved that the vote by which **HB 28** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 45,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Cox moved the adoption of the Committee Amendment to **HB 45.** Agreed.

Representative Walters moved that **HB 45** be laid on the Clerk's Desk.

Representative Lassiter moved that the House adjourn until 10:00 a.m., February 2, 1968.

On the roll call the vote was yeas 64—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bleemel, Bowles, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Hinkle, Holbrook, Huff, Hunt, Irick, Jones, Justice, Keene, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Melton, Mershon, Robert L. Miller, Pettit, Prather, Ray, Russell Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Smith, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 17—Blandford, Blume, Blythe, Cox, Harper, Henry, Hoe, Hoffman, James, Johnson, Keith, King, McBrayer, Morgan, W. J. Reynolds, Siemens, Stuart.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 2, 1968

## TWENTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Robert J. Laughlin of the First Presbyterian Church, Frankfort.

The roll was called. All present except Representatives McCallum and Russell.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of February 1, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 225,** by Representative Allen: AN ACT relating to public assistance.

**HB 226,** by Representatives Hunt, Hoffman, Keene, Curlin, Tobin and Morgan: AN ACT relating to motor vehicle licensing.

**HB 227,** by Representatives Hunt, Clapp, Russell, Blume and Tobin: AN ACT relating to the Legislative Audit Committee.

**HB 228,** by Representatives Hunt and Ball: AN ACT relating to the Kentucky Historical Society.

**HB 229,** by Representatives Blythe and Vanover: AN ACT relating to television and radio repairmen.

**HB 230,** by Representatives Blythe and McCallum: AN ACT relating to traveling expenses of state officers and employes.

**HB 231,** by Representative Blythe: AN ACT providing for the limitation of liability from negligence on the part of counties and cities of the Commonwealth.

**HB 232,** by Representatives Hinkle and McNamara: AN ACT relating to education.

**HB 233,** by Representatives Murphy and Mershon: AN ACT relating to minors purchasing alcoholic beverages.

**HB 234,** by Representatives Murphy and Mershon: AN ACT relating to race tracks and trotting tracks.

**HB 235,** by Representatives Murphy and Mershon: AN ACT providing a penalty for violation of KRS 336.130.

**HB 236,** by Representative Murphy: AN ACT relating to compensation of master commissioners and receivers.

**HB 237,** by Representative Baker: AN ACT relating to schools.

**HB 238,** by Representatives Cox, Hopkins, Richey, Denham and Keith: AN ACT relating to a community college at Madisonville.

**HB 239,** by Representative Pettit: AN ACT relating to unemployment insurance.

**HR 33,** by Representatives Jones, C. R. Miller, Cruse, Simmons, Sartin, Vanover, Melton and DeMarcus: A RESOLUTION relating to the transporting of school children during daylight hours of good visibility.

**HR 34,** by Representatives Blythe, McBrayer, Hoffman and Baker: A RESOLUTION relating to the Kentucky Air National Guard.

**HR 35,** by Representatives McBrayer, McGill, Hoffman, Halleck, Hunt, Curlin, Keene, Tobin, Irick, Justice, Saylor, Lankford, Blume, Arnett, Mershon, McNamara, Hinkle, Stuart, Wright, Dawhare, Wesley, Cox, Wooley and J. Davis: A RESOLUTION directing the Legislative Research Commission to study the feasibility of operating the public schools of the Commonwealth on a continuous basis.

**HR 36,** by Representative Blume: A RESOLUTION supporting President Johnson in his efforts to secure the safe return of the U. S. S. Pueblo and her crew.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

State Government: **HR 32.**

**Senate Message**

Announcing passage of **SB 22, SB 39, SB 62, SB 94** and **SB 49.**

**Report of Committees**

The Committee on Labor and Industry reported **HB 59** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 59,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.005 is amended to read:

(1) This chapter shall apply to all employers having three or more employes regularly engaged in the same occupation or business, and to their employes, except that it shall not apply to domestic employment, agriculture, steam railways, or such common carriers other than steam railways for which a rule of liability is provided by the laws of the United States; provided, however, it shall apply to the operators of threshing machines used in threshing or hulling grain or seeds. It shall affect the liability of the employers subject thereto to their employes for a traumatic personal injury sustained by the employe by accident, and for disability resulting from occupational diseases as defined in this chapter, arising out of and in the course of his employment, or for death resulting from such accidental injury or occupational disease *and as provided in KRS 342.111;* provided, however, that "traumatic personal injury by accident" as herein defined shall not include diseases except where the disease is the natural and direct result of a traumatic injury by accident nor shall it include the results of a pre-existing disease, whether previously disabling or not, but shall include injury or death due to inhalation in mines of noxious gases or smoke, commonly known as "bad air," and also shall include injuries or death due to the inhalation of any kind of gas, and shall also include occupational disease as defined in this chapter.

(2) The board shall apportion the aggregate extent and

duration of disability among the contributing causes including, but not limited to, the following:

(a) "Traumatic injury by accident";

(b) Pre-existing disease previously disabling;

(c) Pre-existing disease not previously disabling but aroused into disabling reality by the injury or occupational disease.

(3) The board shall, in every case, determine whether the provisions of KRS 342.120 are applicable, and if so the board shall proceed in accordance with the law and regulations established for processing claims involving the Special Fund.

(4) Any employers and employes who are, by the provisions of this section, excepted from the provisions of this chapter, including employers having less than three employes, may subject themselves thereto by joint voluntary application to the board, in writing, for such period as may be stated in the application, which shall be irrevocable during such period and effective thereafter until a written revocation be filed with the board or the employment be terminated.

(5) All employes of departments, administrative bodies, and agencies of the state shall be covered by the provisions of this chapter. The Commissioner of Finance shall exercise the elections necessary to extend coverage to those state employes for which coverage is not otherwise required by this chapter.

Section 2. KRS 342.111 is amended to read:

(1) When an employe, who has been awarded disability compensation by the Workmen's Compensation Board, shall die *from any cause, whether or not related to the injury or occupational disease,* [as a result of such injury or occupational disease] prior to the payment to him of the amount of the award, then the dependents of the deceased employe shall be allowed and paid all allowed and unpaid awards made to such employe. Provided, however, that the dependents of such deceased employe shall, within one year after the death of such employe, file with the Workmen's Compensation Board, in such form as the board

may require, a written verified application, stating therein the date of the death of such deceased employe; the amount of such allowed and uncollected award; the name, age, post office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the company, person or insurance carrier against whom such award was made; and shall fix a time and place for a hearing, of which notice shall be given, to determine the dependency of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto. Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

(2) The total amount paid and payable to the decedent and his dependents shall not exceed the amount now payable for death at the average weekly wage of the decedent at the time of his injury, and the weekly payments to the dependents shall not exceed the sum provided in KRS 342.070.

## Calendar

**HB 147, HB 132, HB 53, HB 61, HB 99** with Committee Amendment attached thereto, **HB 150, HB 36, HB 166** with Committee Amendment attached thereto, **HB 84** with Committee Amendment attached thereto, **HB 124,** and **HB 133** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Recess

Representative Morgan moved that the House recess for ten minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Motions, Petitions, and Communications

Representative Cox moved that **HB 45** be laid on the Clerk's Desk. Agreed.

Representative Curlin moved that **HB 49** with Committee Amendment No. 1 attached thereto be taken from the Clerk's Desk and placed upon its passage.

Representative Hardin moved that the House recess for ten minutes.

Representative Morgan moved that the House be at ease for a conference. Agreed.

### Senate Message

Announcing passage of **SB 75, SB 106, SB 117, SR 20.**

Representative Curlin moved that **HB 49** be taken from the Clerk's Desk.

On the roll call the vote was yeas 50—Akers, Alexander, Allen, Blandford, Bleemel, Blume, Brown, Clapp, Cox, Curlin, Dawhare, Denham, Henry, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells; Nays 41—Baker, Ball, Ballenger, Bamberger, Bowles, Clark, Coffey, Cruse, J. A. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Lawson, McKinney, Melton, R. L. Miller, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that **HB 49** be taken from the Clerk's Desk was adopted.

Representative Curlin moved the adoption of Committee Amendment No. 1 to **HB 49.**

On the roll call the vote was yeas 52—Akers, Alexander, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Clapp, Cox,

Curlin, Dawhare, Denham, Hampton, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Justice, Keene, Kidd, King, Lankford, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 41—Baker, Ball, Ballenger, Bamberger, Bowles, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Huff, Johnson, Jones, Keith, Lawson, McKinney, Melton, R. L. Miller, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

Amendment No. 1 to **HB 49** was adopted.

Representative Curlin moved the adoption of the following Amendment No. 2 to **HB 49:**

Amend printed copy of House Bill 49 on page 4, line 1, by:

deleting the word *"public"* and inserting in lieu thereof the word *"state"*

and on page 4, by inserting at the end of line 7 the words: *"on any of these holidays which occurs on a Monday, Tuesday, Wednesday, Thursday, or Friday."*

On the roll call the vote was yeas 56—Akers, Alexander, Allen, Blandford, Bleemel, Blume, Brown, Clapp, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Hampton, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Kidd, King, Lankford, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Clarence A. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells, Wooley. Nays 34—Baker, Ball, Ballenger, Bamberger, Blythe, Bowles, Coffey, Cruse, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Huff, Jones, Keith, Lawson, McKinney, Melton, R. L. Miller, Peace, Richey, Russell, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchik, Wright.

Amendment No. 2 to **HB 49** was adopted.

Representative Holbrook moved the adoption of the following Amendment No. 3 to **HB 49.**

Amend printed copy of House Bill 49 on page 4, lines 3 and 4, by:

deleting the words *"the 30th day of January (Franklin D. Roosevelt Day),"*

On the roll call the vote was yeas 63—Akers, Alexander, Allen, Arnett, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clapp, Cox, Curlin, Walter F. Davis, Dawhare, Denham, Halleck, Hampton, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Justice, Keene, Keith, Kidd, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 10—Baker, Blythe, DeMarcus, Hoe, Kessinger, Melton, R. L. Miller, Russell, Stuart, Wolchik.

Amendment No. 3 to **HB 49** was adopted.

Representative Morgan moved that **HB 49** be made a Special Order for Tuesday, February 6, 1968. Agreed.

Representative Morgan moved that the House adjourn until 3:00 p.m., Monday, February 5, 1968.

On the roll call the vote was yeas 61—Akers, Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Brown, Clapp, Coffey, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Greer, Hampton, Hardin, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McNamara, Mershon, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Smith, Vanover, Wells, White, Wolchik, Wright. Nays 17—Ball, Blythe, Clark, Cox, J. A. Davis, Halleck, Harper, Hoe, James, Jones, McGill, R. L. Miller, Siemens, Stuart, Wesley, Wooley.

The motion to adjourn was adopted.

## MONDAY, FEBRUARY 5, 1968

## TWENTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Isler, McCallum and McGill.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of Febraury 2, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 240,** by Representative James: AN ACT relating to railroad companies.

**HB 241,** by Representatives Lawson, Isler, Baker and Bamberger: AN ACT relating to satisfaction of costs in criminal cases.

**HB 242,** by Representatives McGill, Siemens, Bamberger and Lawson: AN ACT relating to discriminatory practices in connection with real estate dealings.

**HB 243,** by Representatives Greer, Hunt, Wright and Massey: AN ACT relating to real estate licenses.

**HB 244,** by Representatives Stuart, Ballenger and Riddle: AN ACT relating to legal notices.

**HB 245,** by Representatives Pettit and Wooley: AN ACT relating to foreign corporations engaged in lending money within this state and related activities thereto.

**HB 246,** by Representative DeMarcus: AN ACT relating to the mortgaging or sale of real property of infants and persons of unsound mind.

**HB 247,** by Representative Curlin: AN ACT relating to motor vehicles and the registration thereof.

**HB 248,** by Representatives Wright, R. L. Miller, C. R. Miller, Blume and Siemens: AN ACT relating to school districts.

**HB 249,** by Representative DeMarcus: AN ACT relating to presidential preference primary elections.

**HB 250,** by Representatives Rickert, King, McBrayer, Vanover, Prather, Kidd, Hoffman, Curlin, Massey, Halleck, Irick, Blume, May, Pettit, Simmons, McKinney, Wells, Hopkins, James, C. R. Miller, Tobin, Johnson, Denham, DeMarcus, Hardin, Bruce, Blandford, Mitchell, Siemens, Baker, Melton, McNamara, Ray, Harper, Arnett, Bamberger, Sartin, Cox, Coffey, Lankford, Justice, Wolchik, Cruse, Clark, Jones, Bleemel, Keith, Maddox, Wesley, Dawhare, Wooley, Lawson, Riddle, Akers, Ballenger, Ball, Saylor and Murphy: AN ACT relating to disclosure of charges in connection with extentsion of credit.

**HB 251,** by Representatives Rickert, McBrayer, Vanover, Kidd, Prather, Hoffman, Curlin, Massey, Halleck, Irick, Blume, May, Pettit, Simmons, McKinney, Wells, Hopkins, James, C. R. Miller, Tobin, Johnson, Denham, DeMarcus, Hardin, Bruce, Blandford, Mitchell, Siemens, Baker, Melton, McNamara, Ray, Harper, Arnett, Bamberger, Sartin, Cox, Coffey, Lankford, Justice, Wolchik, Cruse, Clark, Jones, Bleemel, Keith, Maddox, Wesley, Dawhare, Wooley, Lawson, Riddle, Akers, Ballenger, Ball, Saylor and Murphy: AN ACT relating to disclosure of charges in connection with extension of credit.

**HB 252,** by Representatives Rickert, J. Davis and Curlin: AN ACT relating to sales of consumer goods.

**HB 253,** by Representatives King, Isler, Maddox, Henry, Kessinger, Bleemel, Prather, McGill, Mershon, Clapp, Hopkins and Hampton: AN ACT appropriating funds for local fire departments.

**HB 254,** by Representatives King, Isler, Clapp, Lawson, Murphy, Louden, Akers, Bleemel, Kessinger, Mershon, Hoffman, McNamara, Bruce, Hampton, Hopkins, Hardin and Bamberger: AN ACT relating to county roads.

**HB 255,** by Representatives Mershon, Lawson, Harper, Murphy, Isler, Schmidt, King, Bamberger, Johnson, Louden, Webster, R. L. Miller, Kessinger, White, McBrayer, Walters, Akers, Morgan, Hardin, Blume, Saylor, Cox, McKinney, Keith, Sartin, Rattliff, Clark, Wright, Vanover, J. Davis, Siemens and Hopkins: AN ACT relating to the establishment of Northern Kentucky State College and a board of regents therefor.

**HB 256,** by Representatives King, Kessinger, McBrayer, Walters and Akers: AN ACT relating to appropriations for Northern Kentucky State College and creating a specific appropriation to defer certain costs.

**Report of Committees**

The Committee on Appropriations and Revenue reported **SB 1** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 1,** AN ACT appropriating money out of the General Expenditure Fund in the State Treasury to the Legislative Sessions Account for the purpose of meeting a deficiency of appropriations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. There is appropriated out of the General Expenditure Fund in the State Treasury the sum of $200,000 to the Legislative Sessions Account, for the purpose of replenishing the account of monies used pursuant to House Bill 32 of the 1966 General Assembly and for which purpose no specific appropriation was made by the 1966 General Assembly.

Section 2. There being a need for the monies for the 1968 General Assembly to conduct its normal conduct of business an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

The Committee on Rules reported **HB 115, HB 116, HB 118, HB 53, HB 61, HB 36, HB 150, HB 99** with Committee Amendment attached thereto, and **SB 18** with the expression of opinion that the same should pass.

## Calendar

**HB 59** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

**HR 37,** by Representative Morgan: A RESOLUTION relating to the gray squirrel.

WHEREAS, Kentucky's gray squirrel has best demonstrated the transition of the Commonwealth's wild game animals to coexist with the expanding civilization of its people.

WHEREAS, because of its characteristics of thrift and cunning it has persisted and become the most widely observed and known Kentucky wild animal species.

WHEREAS, the realm of the Kentucky gray squirrel has extended from the Commonwealth's woods and suburban thickets to the concrete and steel cities as well.

AND WHEREAS, Kentucky's General Assembly has designated previously the Cardinal as the state bird and the Kentucky bass as the state fish.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the gray squirrel be named and voted by the Kentucky General Assembly as the state wild animal game species.

Representative Morgan moved the adoption of **HR 37.** Agreed.

Representative Walters moved that **HB 39** be taken from the Committee on State Government and given first reading.

Representative Walters moved that his motion that **HB 39** be taken from the Committee on State Government and given first reading be withdrawn.

Representative Walters moved that his motion to withdraw

the motion that **HB 39** be taken from the Committee on State Government and given first reading be withdrawn.

Representative Walters moved that **HB 39** be taken from the Committee on State Government and given first reading.

On the roll call the vote was yeas 17—Alexander, Ball, Bruce, Denham, James, Johnson, Keith, Lankford, McKinney, Robert L. Miller, Rattliff, Riddle, Saylor, Walters, Webster, White, Wolchik. Nays 49—Akers, Baker, Ballenger, Bamberger, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Cox, Cruse, J. A. Davis, W. F. Davis, Dawhare, Greer, Hardin, Harper, Hoe, Holbrook, Irick, Jones, Justice, Kessinger, Kidd, King, Lassiter, Lawson, Louden, Maddox, Massey, McGill, Mershon, C. R. Miller, Mitchell, Morgan, Murphy, Pettit, Ray, W. J. Reynolds, Richey, Russell, Siemens, Simmons, Smith, Stuart, Vanover, Wesley, Wright.

The motion that **HB 39** be taken from the Committee on State Government and given first reading was rejected.

**Senate Message**

Announcing passage of **SB 38** and **SB 110.**

Representative R. Reynolds moved that the Rules be suspended to make a motion.

Representative R. Reynolds moved that the vote by which **HB 66** was postponed indefinitely be reconsidered.

On the roll call the vote was yeas 41—Akers, Allen, Ball, Blandford, Bleemel, Blume, Bowles, Coffey, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Hardin, Henry, Hinkle, Holbrook, James, Johnson, Kidd, King, Lankford, Lassiter, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Rattliff, Ray, Russell Reynolds, Rickert, Sartin, Siemens, Walters, Webster. Nays 23—Alexander, Baker, Ballenger, Bamberger, Cruse, Curlin, W. F. Davis, Harper, Huff, Hunt, Irick, Keith, Kessinger, Louden, Massey, Pettit, Richey, Simmons, Smith, Stuart, Wesley, Wooley, Wright.

The motion that the Rules be suspended was rejected.

**HR 34:** A RESOLUTION relating to the Kentucky Air National Guard.

WHEREAS, since the embattled farmers fired the shot heard round the world, the citizen soldier has been a shining symbol of the patriotic service and devotion which secure and guard a people's freedom; and

WHEREAS, maintenance of that degree of preparedness necessary to insure that people's freedom often entails great hardship for the citizen soldier and for his family; and

WHEREAS, the President's call-up of units of the Kentucky Air National Guard has created hardships for members of those units; and

WHEREAS, the members of the Kentucky Air National Guard have borne those hardships and the difficulties of an uncertain future with esprit and courage worthy of their forebears who first settled this great Commonwealth;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

1. That the Kentucky Air National Guard be commended for its continuing high state of readiness to respond to crisis whenever and wherever they may occur.

2. That those units of the Kentucky Air National Guard which have been brought to active duty be commended for the smooth evolution of a difficult transition.

3. That the House of Representatives of the Kentucky General Assembly expresses its support for and its great pride in those modern minutemen who have so selflessly responded to this critical time.

Representative Blythe moved the adoption of **HR 34.** Agreed.

**HR 35:** A RESOLUTION directing the Legislative Research Commission to study the feasibility of operating the public schools of the Commonwealth on a continuous basis.

WHEREAS, the public schools presently unused and unoccupied for nearly three months of each year; and

WHEREAS, the need throughout Keutucky for public school facilities has never been greater, many institutions operating on double sessions;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

**Section 1.** That the Legislative Research Commission be directed to undertake a study of the feasibility of operating the public schools of the Commonwealth on a continuous, twelve-month basis.

**Section 2.** That said study shall cover, but not be limited to consideration of curricula, staffing, financing, transportation of pupils, arrangement of school calendar so as to provide adequate vacation periods for students, and administration of the public schools when operated on a continuous basis.

**Section 3.** That the Legislative Research Commission shall report its finding to the 1970 session of the General Assembly.

Representative McBrayer moved the adoption of **HR 35.** Agreed.

**HR 36:** A RESOLUTION supporting President Johnson in his efforts to secure the safe return of the U.S.S. Pueblo and her crew.

WHEREAS, all the free world is appalled by the North Korean seizure of the U.S.S. Pueblo; and

WHEREAS, no stone must be left unturned and no possibility left uninvestigated to achieve the recovery of this ship and the crew she carried; and

WHEREAS, no nation may enjoy using the open sea lanes so long as such acts of piracy and kidnapping go unnoticed and unchallenged;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

**Section 1.** That the House of Representatives hereby expresses strong support to President Johnson in his effort to secure the safe return of the U.S.S. Pueblo and her crew.

**Section 2.** That the Clerk of the House of Representatives be directed to send a copy of this resolution to President Johnson, Secretary of State Dean Rusk and Secretary of Defense Clark Clifford.

Representative Blume moved the adoption of **HR 36. Agreed.**

Representative Morgan moved that the House adjourn until 3:00 p.m., Tuesday, February 6, 1968.

On the roll call the vote was yeas 62—Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Bruce, Clapp, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Johnson, Jones, Justice, Keene, Kessinger, King, Lankford, Lassiter, Lawson, Louden, May, McBrayer, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Smith, Walters, Webster, Wheeler, White. Nays 5—Blythe, Cruse, James, Siemens, Stuart.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 6, 1968
## TWENTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Bowles, Johnson and Sartin.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 5, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 38,** by Representative Mitchell: A CONCURRENT RESOLUTION relating to the national cemetery system.

**HB 257,** by Representatives Irick, Cox, Justice, Richey, Holbrook, Lankford, Saylor, Hopkins, W. J. Reynolds, Brown, Wolchik and Akers: AN ACT relating to mining regulations.

**HB 258,** by Representatives Irick, Cox, Justice, Richey, Holbrook, Lankford, Saylor, Hopkins, W. J. Reynolds, Brown, and Akers: AN ACT relating to mines and minerals.

**HB 259,** by Representative King: AN ACT relating to city civil service.

**HB 260,** by Representatives Stuart, R. Reynolds, C. R. Miller, Vanover, Cruse, R. L. Miller, Wooley, Louden, McBrayer and Hoffman: AN ACT relating to motor vehicles and highway safety.

**HB 261,** by Representatives Cruse, Hunt, Curlin, Hoe, Russell, Wright, R. L. Miller, Blythe, Riddle, Melton, Blume, Tobin, Mitchell, Hoffman, W. J. Reynolds and Brown: AN ACT relating to property taxes.

**HB 262,** by Representatives Mitchell and W. J. Reynolds: AN ACT relating to the regulation of public utilities.

**HB 263,** by Representative Mitchell: AN ACT relating to accidental prevention in connection with training in vocational, industrial arts, and chemical-physical courses employing machines, machinery and general industrial laboratory equipment in the public school system.

**HB 264,** by Representatives Blume and Vanover: AN ACT relating to collective bargaining for public employes.

**HB 265,** by Representative Isler: AN ACT relating to motor vehicle registration.

**HB 266,** by Representative Morgan: AN ACT relating to juveniles.

**HB 267,** by Representatives Russell and Blume: AN ACT providing for payment by Department of Highways for the removal and relocation of facilities owned by a municipality or a municipally-owned utility, or a Water District established pursuant to Chapter 74 of the Kentucky Revised Statutes.

**HB 268,** by Representative Morgan: AN ACT relating to the friend of the court.

**HB 269,** by Representative Hoffman: AN ACT amending certain provisions of KRS Chapter 262 relating to Soil and Water Conservation districts, enlarging the functions of such districts, and providing for financial support of district programs.

**HB 270,** by Representative Curlin: AN ACT relating to authorized investments.

**HB 271,** by Representative Maddox: AN ACT relating to highway rights of way, including the control and eradication of Johnson grass, giant foxtail, and other noxious weeds thereon.

**HB 272,** by Representatives Schmidt and Bamberger: AN ACT relating to liability for rendering emergency aid.

**HB 273,** by Representatives Hoffman and Blume: AN ACT relating to qualifications for nomination in primary elections.

**HB 274,** by Representative Massey: AN ACT relating to public offenses.

**HB 275,** by Representative R. L. Miller: AN ACT relating to owner or tenant relocation required by road construction.

**HB 276,** by Representatives Arnett, R. L. Miller, Maddox, Peace, Denham, Keith, White, Hampton, Massey, Hopkins, Vanover, Irick, Webster, Schmidt, Saylor and Lankford: AN ACT proposing an amendment to Section 36 of the Constitution of Kentucky relating to time and place of meeting of the General Assembly.

**HB 277,** by Representative W. J. Reynolds: AN ACT relating to the payment of wages to employes.

**HB 278,** by Representative Jones: AN ACT relating to occupational license taxes for schools.

**HB 279,** by Representatives Ray, Wolchik, Cruse, Coffey, Richey, Kidd, McNamara, Akers, Louden, Hinkle, R. L. Miller, Blandford, Maddox, Lassiter, W. F. Davis, Bleemel, Baker, Rattliff, C. R. Miller, Morgan, Allen, Halleck, McGill, Sartin, McKinney, Clapp, Smith, Kessinger, Wells, Brown, Keith and Peace: AN ACT relating to hairdressers and cosmetologists.

**HB 280,** by Representatives Rattliff, Keith, DeMarcus, Smith, Louden, Richey, Wolchik, R. L. Miller, Denham, Cox, Alexander, W. F. Davis, Melton, Peace, Floyd, Keene, Simmons, Baker and Blandford: AN ACT relating to the control and eradication of noxious weeds.

**HB 281,** by Representative McCallum: AN ACT relating to publication of legal notice.

**HB 282,** by Representatives King and Mershon: AN ACT relating to payment of jurors in county and quarterly courts.

**HB 283,** by Representatives King and Mershon: AN ACT relating to criminal and penal jurisdiction of county, quarterly and justices' courts.

**HB 284,** by Representatives Baker, Wesley, Rattliff and Rickert: AN ACT relating to estates of decedents.

**HB 285,** by Representatives Wesley, Bamberger and Baker: AN ACT relating to filing fees for banks.

**HB 286,** by Representatives Wesley, Bamberger, Baker and Richey: AN ACT relating to filing fees for Savings and Loan Associations.

**HB 287,** by Representative King: AN ACT relating to the practice of barbering.

**HR 39,** by Representative James: A RESOLUTION inviting Reverend J. D. Tyree, pastor of A.M.E. Church in Harrodsburg, Kentucky, to offer the opening prayer in the House of Representatives on Tuesday, February 13, 1968.

**HR 40,** by Representatives Peace, Louden, Lankford, Maddox, Saylor, Arnett, Keith, Simmons, Denham, Wright, Huff, Webster, Alexander, Massey, Hopkins, Bruce, Vanover, Halleck, Blume, Irick, Bamberger, White, Cox, Wolchik, Bleemel, McKinney, Clapp, DeMarcus, Melton, Isler, Allen, Russell, Clark, Wooley, Sartin, Lawson, Jones, R. L. Miller, C. R. Miller, Smith, May, Lassiter, McCallum, Justice, Hinkle, McNamara and Morgan: A RESOLUTION urging the President of the United States and the United State Congress to consider whether the State Teachers' Retirement is being discriminated against for federal income tax purposes and whether any retirement payments should be subject to federal income tax.

**HR 41,** by Representative Cox: A JOINT RESOLUTION petitioning the Secretary of Transportation of the United States to redefine the standard time zone limits in Kentucky.

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 110.**

Appropriations and Revenue: **HB 222, HB 230, HB 253, HB 256, SB 75, SB 94**

Banking and Insurance: **HB 245, HB 250, HB 251, HB 252, SB 106.**

Business Organizations and Professions: **HB 229, HB 233, HB 234, HB 243.**

Cities: **HB 244, SB 49.**

Counties and Special Districts: **HB 216, HB 254.**

Education: **HB 232, HB 237, HB 238, HB 248, HB 255, SB 62, SB 117.**

Elections and Constitutional Amendments: **HB 249.**

Health and Welfare: **HB 215, HB 225.**

Judiciary: **HB 218, HB 219, HB 220, HB 221, HB 223, HB 231, HB 236, HB 241, HB 242, HB 246, SB 22, SB 38, SB 39.**

Labor and Industry: **HB 235, HB 239.**

Public Utilities and Transportation: **HB 224, HB 226, HB 240, HB 247.**

State Government: **HB 217, HB 227, HB 228, SR 20.**

**Report of Committees**

The Committee on Labor and Industry reported **HB 160** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 160,** AN ACT prohibiting the use of trading stamps by retailers of gasoline.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is the policy of this Commonwealth to encourage small businessmen throughout Kentucky. The General Assembly finds that the use of trading stamps and other similar programs tends to narrow profit margins to such a degree that small retailers of gasoline are unable to effectively compete with large retailers. It is the intent of the General Assembly to prohibit this economically unsound practice.

Section 2. As used in this Act, "retailer" means any person, firm, or corporation which offers motor vehicle fuel for sale.

Section 3. No retailer of motor vehicle fuel shall distribute for the sale of fuel any stamps, coupons, tickets, certificates, or cards, which entitle the purchaser receiving the same with the sale of the motor vehicle fuel, to procure from any person, firm, association or corporation, any goods, wares or merchandise or any cash, upon the production of any number of stamps, coupons, tickets, certificates, or cards.

Section 4. Any retailer who violates the provisions of this Act shall be fined not less than five hundred dollars nor more than five thousand dollars. Violators of the provisions of this Act may also be enjoined from the continuing of the violation by proceedings brought by the attorney general, regardless of whether criminal proceedings have been instituted.

The Committee on Health and Welfare reported **HB 142, HB 171, HB 196, and HB 26** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 142,** AN ACT relating to the protection of the eyes of persons in classrooms and laboratories used in conducting courses in vocational, industrial arts, and chemical-physical courses in educational institutions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) As used in this Act, unless the context requires otherwise:

(a) "Educational institution" means and includes all graded schools, high schools, trade or vocational schools, colleges, and universities, both private and public;

(b) "Industrial quality eye protective devices" means devices meeting the standards of the American Standards Association Safety Code for Head, Eye, and Respiratory Protection, promulgated by the American Standards Association, Inc.

(c) "Vocational and industrial arts courses and labora-

tories" includes those courses and laboratories affording experience with:

1. Hot molten metals;

2. Milling, saving, turning, shaping, cutting, grinding, or stamping any solid materials;

3. Heat treatment, tempering, or kiln firing of any metal or other materials;

4. Gas or electric arc welding;

5. Repair or servicing of any vehicle;

6. Caustic or explosive materials.

(d) "Chemical or chemical-physical courses and laboratories" includes those courses and laboratories affording experience with:

1. Caustic or explosive chemicals;

2. Hot liquids or solids.

(2) Every educational institution within the Commonwealth of Kentucky offering vocational and industrial arts courses and laboratories or chemical or chemical-physical courses and laboratories shall require each student and teacher participating in such courses, and all persons who visit classrooms and laboratories where such courses are conducted, to wear industrial quality eye protective devices at all times while participating in such courses or laboratories, or visiting such classrooms and laboratories.

(3) All educational institutions described in (2) may sell industrial quality eye protective devices to students and teachers at cost, and shall furnish industrial quality eye protective devices to visitors for the duration of their visit without charge.

**HB 171,** AN ACT entering into the Interstate Compact on the Mentally Disordered Offender, and providing for the implementation thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Interstate Compact on the Mentally Disordered Offender, hereinafter called "the compact", is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

## INTERSTATE COMPACT ON MENTALLY DISORDERED OFFENDERS

### ARTICE I

Purpose and Policy. (a) The party states, desiring by common action to improve their programs for the care and treatment of mentally disordered offenders, declare that it is the policy of each of the party states to:

1. Strengthen their own programs and laws for the care and treatment of the mentally disordered offender.

2. Encourage and provide for such care and treatment in the most appropriate locations, giving due recognition to the need to achieve adequacy of diagnosis, care, treatment, aftercare and auxiliary services and facilities and, to every extent practicable, to do so in geographic locations convenient for providing a therapeutic environment.

3. Authorize cooperation among the party states in providing services and facilities, when it is found that cooperative programs can be more effective and efficient than programs separately pursued.

4. Place each mentally disordered offender in a legal status which will facilitate his care, treatment and rehabilitation.

5. Authorize research and training of personnel on a cooperative basis, in order to improve the quality or quantity of personnel available for the proper staffing of programs, services and facilities for mentally disordered offenders.

6. Care for and treat mentally disordered offenders under conditions which will improve the public safety.

(b) Within the policies set forth in this Article, it is the purpose of the compact to:

1. Authorize negotiation, entry into, and operations under contractual arrangements among any two or more of the party states for the establishment and maintenance of cooperative programs in any one or more of the fields for which specific provision is made in the several articles of this compact.

2. Set the limits within which such contracts may operate, so as to assure protection of the civil rights of mentally disordered offenders and protection of the rights and obligations of the public and of the party states.

3. Facilitate the proper disposition of criminal charges pending against mentally disordered offenders, so that programs for their care, treatment and rehabilitation may be carried on efficiently.

ARTICLE II

Definitions. As used in this compact:

(a) "Mentally disordered offender" means a person who has been determined, by adjudication or other method legally sufficient for the purpose in the party state where the determination is made, to be mentally ill and:

1. is under sentence for the commission of crime; or

2. who is confined or committed on account of the commission of an offense for which, in the absence of mental illness, said person would be subject to incarceration in a penal or correctional facility.

(b) "Patient" means a mentally disordered offender who is cared for, treated, or transferred pursuant to this compact.

(c) "Sending state" means a state party to this compact in which the mentally disordered offender was convicted; or the state in which he would be subject to trial on or conviction of an offense, except for his mental condition; or, within the meaning of Article V of this compact, the state whose authorities have filed a petition in connection with an untried indictment, information or complaint.

(d) "Receiving state" means a state party to this compact to which a mentally disordered offender is sent for care,

aftercare, treatment or rehabilitation, or within the meaning of Article V of this compact, the state in which a petition in connection with an untried indictment, information or complaint has been filed.

ARTICLE III

Contracts. (a) Each party state may make one or more contracts with any one or more of the other party states for the care and treatment of mentally disordered offenders on behalf of a sending state in facilities situated in receiving states, or for the participation of such mentally disordered offenders in programs of aftercare on conditional release administered by the receiving state. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for patient care, treatment, and extraordinary services, if any.

3. Determination of responsibility for ordering or permitting the furnishing of extraordinary service, if any.

4. Participation in compensated activities, if any, available to patients; the disposition or crediting of any payment received by patients on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

5. Delivery and retaking of mentally disordered offenders.

6. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any facility for mentally disordered offenders or addition to such facility by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the facility or addition thereto, or for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the facility to be kept available for use by patients of the sending state or states so contracting. Any sending state so contracting may,

to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) A party state may contract with any one or more other party states for the training of professional or other personnel whose services, by reason of such training, would become available for or be improved in respect of ability to participate in the care and treatment of mentally disordered offenders. Such contracts may provide for such training to take place at any facility being operated or to be operated for the care and treatment of mentally disordered offenders; at any institution or facility having resources suitable for the offering of such training; or may provide for the separate establishment of training facilities, provided that no such separate establishment shall be undertaken, unless it is determined that an appropriate existing facility or institution cannot be found at which to conduct the contemplated program. Any contract entered into pursuant to this paragraph shall provide for:

1. The administration, financing, and precise nature of the program.

2. The status and employment or other rights of the trainees.

3. All other necessary matters.

(d) No contract entered into pursuant to this compact shall be inconsistent with any provision thereof.

ARTICLE IV

Procedures and Rights. (a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that custody, care and treatment in, or transfer of a patient to, a facility within the territory of another party state, or conditional release for aftercare in another party state is necessary in order to provide adequate care and treatment or is desirable in order to provide an appropriate program of

therapy or other treatment, or is desirable for clinical reasons, said officials may direct that the custody, care and treatment be within a facility or in a program of aftercare within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any facility in which it has a contractual right to secure care or treatment of patients for the purpose of inspection and visiting such of its patients as may be in the facility or served by it.

(c) Except as otherwise provided in Article VI, patients in a facility pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed for transfer to a facility within the sending state, for transfer to another facility in which the sending state may have a contractual or other right to secure care and treatment of patients, for release on aftercare or other conditional status, for discharge, or for any other purpose permitted by the laws of the sending state: provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the patients of that sending state in facilities pursuant to this compact including a psychiatric and behavioral record of each patient and certify said record to the official designated by the sending state, in order that each patient may have the benefit of his or her record in determining and altering the disposition of said patient in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All patents who may be in a facility or receiving aftercare from a facility pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for, treated and supervised in accordance with the standards pertaining to the program administered at the facility. The fact of presence in a receiving state shall not deprive any patient of any legal rights which said patient would

have had if in custody or receiving care, treatment or supervision as appropriate in the sending state.

(f) Any hearing or hearings to which a patient present in a receiving state pursuant to this compact may be entitled by the laws of the sending state shall be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this paragraph, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this paragraph shall be borne by the sending state.

(g) Any patient confined pursuant to this compact shall be released within the territory of the sending state unless the patient, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any patient pursuant to the terms of this compact shall be subject to civil process and shall have any and all rights to sue, be sued and participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if in any appropriate facility of the sending state or being supervised therefrom, as the case may be, located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any patient shall

not be deprived of or restricted in his exercise of any power in respect of any patient pursuant to the terms of this compact.

ARTICLE V

Disposition of Charges. (a) Whenever the authorities responsible for the care and treatment of a mentally disordered offender, whether convicted or adjudicated in the state or subject to care, aftercare, treatment or rehabilitation pursuant to a contract, are of the opinion that charges based on untried indictments, informations or complaints in another party state present obstacles to the proper care and treatment of a mentally disordered offender or to the planning or execution of a suitable program for him such authorities may petition the appropriate court in the state where the untried indictment, information or complaint is pending for prompt disposition thereof. If the mentally disordered offender is a patient in a receiving state, the appropriate authorities of the sending state, upon recommendation of the appropriate authorities in the receiving state, shall, if they concur in the recommendation, file the petition contemplated by this paragraph.

(b) The court shall hold a hearing on the petition within thirty days of the filing thereof. Such hearing shall be only to determine whether the proper safeguarding and advancement of the public interest; the condition of the mentally disordered offender; and the prospects for more satisfactory care, treatment and rehabilitation of him warrant disposition of the untried indictment, information or complaint prior to termination of the defendant's status as a mentally disordered offender in the sending state. The prosecuting officer of the jurisdiction from which the untried indictment, information or complaint is pending, the petitioning authorities, and such other persons as the court may determine shall be entitled to be heard.

(c) Upon any hearing pursuant to this Article, the court may order such adjournments or continuances as may be necessary for the examination or observation of the mentally disordered offender or for the securing of necessary evidence. In granting or denying any such adjournment or continuance, the court shall give primary consideration to the purposes of

this compact, and more particularly to the need for expeditious determination of the legal and mental status of a mentally disordered offender so that his care, treatment and discharge to the community only under conditions which will be consonant with the public safety may be implemented.

(d) The presence of a mentally disordered offender within a state wherein a petition is pending or being heard pursuant to this Article, or his presence within any other state through which he is being transported in connection with such petition or hearing, shall be only for the purposes of this compact, and no court, agency or person shall have or obtain jurisdiction over such mentally disordered offender for any other purpose by reason of his presence pursuant to this Article. The mentally disordered offender shall, at all times, remain in the custody of the sending state. Any acts of officers, employes, or agencies of the receiving state in providing or facilitation detention, housing or transportation for the mentally disordered offender shall be only as agents for the sending state.

(e) Promptly upon conclusion of the hearing the court shall dismiss the untried indictment, information or complaint, if it finds that the pruposes enumerated in paragraph (b) of this Article would be served thereby. Otherwise, the court shall make such order with respect to the petition and the untried indictment, information or complaint as may be appropirate in the circumstances and consistent with the status of the defendant as a mentally disordered offender in the custody of and subject to the jurisdiction of the sending state.

(f) No fact or other matter established or adjudicated at any hearing pursuant to this Article, or in connection therewith, shall be deemed established or adjudicated, nor shall the same be admissable in evidence, in any subsequent prosecution of the untried indictment, information or complaint concerned in a petition filed pursuant to this Article unless:

1. The defendant or his duly empowered legal representative requested or expressly acquiesced in the making of the petition, and was afforded an opportunity to participate in person in the hearing; or

2. The defendant himself offers or consents to the introduction of the determination or adjudication at such subsequent proceedings.

ARTICLE VI

Acts Not Reviewable in Receiving State; Return. (a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove a patient from the receiving state there is pending against the patient within such state any criminal charge or if the patient is suspected of having committed within such state a criminal offense, the patient shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport patients pursuant to this compact through any and all states party to this compact without interference.

(b) A paient who escapes while receiving care and treatment or who violates provisions of aftercare by leaving the jurisdiction, or while being detained or transported pursuant to this compact shall be deemed an escapee from the sending state and from the state in which the facility is situated or the aftercare was being provided. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for return shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VII

Federal Aid. Any state party to this compact may accept federal aid for use in connection with any facility or program, the use of which is or may be affected by this compact or any contract pursuant thereto and any patient in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving

states have made contractual provision: provided that if such program or activity is not part of the customary regimen of the facility or program the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VIII

Entry Into Force. This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states from among the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state upon similar action by such state.

ARTICLE IX

Withdrawal and Termination. This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such patients as it may have in other party states pursuant to the provisions of this compact.

ARTICLE X

Other Arrangements Unaffected. Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the custody, care, treatment, rehabilitation or after-care of patients nor to repeal any other laws of a party state authorizing the making of cooperative arrangements.

ARTICLE XI

Construction and Severability. The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 2. The Department of Corrections may negotiate and enter into contracts on behalf of this state pursuant to Article III of the compact and may perform such contracts; but no funds, personnel, facilities, equipment, supplies, or materials shall be pledged for, committed or used on account of any such contract, unless legally available therefor.

**HB 196,** AN ACT relating to the employment of the handicapped.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 195.150 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 195.150 to 195.200, unless the context otherwise requires, "commission" means the Kentucky Commission on Employment of the [Physically] Handicapped.

Section 2. Section 195.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a Kentucky Commission on Employment of the [Physically] Handicapped within the Department of Economic Security. The commission shall consist of twenty-two members and shall include the Commissioner of the

Department of Economic Security, the Superintendent of Public Instruction and twenty members to be appointed by the Governor. A chairman of the commission shall be elected at the first meeting and annually thereafter from the twenty appointed members.

(2) Of the twenty members first appointed by the Governor five shall serve for terms of one year, five for terms of two years, five for terms of three years and five for terms of four years. At the expiration of these terms appointments shall be for terms of four years. All twenty appointees shall be eligible for reappointment and shall serve until their successors have been appointed and qualified. Vacancies occurring prior to the expiration of a term shall be filled by the Governor for the remainder of the unexpired term.

(3) The commission shall meet at least four times annually on call of the chairman or on the written request of any eleven members. A majority of the members of the commission shall constitute a quorum for the transaction of business. If at any time the Commissioner of the Department of Economic Security or the Superintendent of Public Instruction is unable to attend a commission meeting he shall designate another person who has authority to act in his behalf at the meeting and who shall be considered a member of the commission for the purpose of obtaining a quorum and transacting business.

Section 3. Section 195.180 of the Kentucky Revised Statutes is amended to read as follows:

The duties of the commission shall be to:

(1) Promote and aid in the establishment of local programs supporting the employment of the [physically] handicapped;

(2) Conduct continuing programs of public information and promotion to educate the public as to problems of employment of the [physically] handicapped;

(3) Review existing state programs for employment of the [physically] handicapped and make recommendations to the Governor, to the appropriate departments and agencies of the

state, and to the General Assembly for improvements in and additions to such programs;

(4) Assist and encourage governmental and private agencies to coordinate their efforts on behalf of employment of the [physically] handicapped;

(5) Cooperate with the federal government and with the governments of other states and cities in programs relating to the [physically] handicapped;

(6) Cooperate with all groups interested in job adjustment and employment of the [physically] handicapped, including government agencies, organizations, private groups and individuals;

(7) Furnish the Department of Economic Security an annual report together with recommendations.

**HB 26,** AN ACT relating to narcotic drugs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The State Board of Health may, by regulation, specifically exempt from the requirements of Chapter 218 of the Kenutcky Revised Statutes any narcotic drug or narcotic drug prepartion.

Section 2. Section 218.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates

when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (5).

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection (5).

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by *the State Board of Health under Section 1 of this Act* [KRS 218.080], shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection (5).

(5) The form of records shall be prescribed by the State Board of Health. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced and the proportion of resin contained in or producible from the plant Cannabis Sativa I. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the Federal Narcotic Laws, containing substantially the same information as is specified above, shall constitute compliance with this section,

except that every such record shall contain a detailed list of narcotic drugs lost, destroyed, or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft. A copy of the detailed list of narcotic drugs lost, destroyed, or stolen shall be forwarded to the State Department of Health as soon as practical.

Section 3. Section 218.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall willfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of *the State Board of Health under Section 1 of this Act* [KRS 218.080], in the same way as they apply to transactions under all other sections.

Section 4. Section 218.080 of the Kentucky Revised Statutes is repealed.

Committee Substitute to **HB 26** is as follows:

**Committee Substitute HB 26,** AN ACT relating to narcotic drugs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 218.080 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise specifically provided in this chapter, such chapter shall not apply to the following cases:

(1) Administering, dispensing or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce not more than on grain of codeine or of any of its salts [.]; *provided, however, that this exemption shall not apply to such medicinal preparations as are specifically excluded from such exempt status by the regulations of the State Board of Health.*

(2) The exemption authorized by this section shall be subject to the following conditions:

(a) That the medicinal preparation administered, dispensed or sold, shall contain, in addition to the narcotic drugs in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone;

(b) That such preparation shall be administered, dispensed and sold in good faith as a medicine, and not for the purpose of evading the provisions of this chapter;

(c) No person shall purchase *and no pharmacist shall sell to the same person,* within a twenty-four hour period more than four ounces of such preparations. Any person purchasing in excess of this limitation shall be deemed to be in illegal possession of narcotics;

(d) The sale of preparations exempt under this section at retail shall be by or under the supervision of a registered pharmacist or practitioner [.];

*(e) No such preparation shall be displayed in areas of the pharmacy open to the public.*

(3) Nothing in this section shall be construed to limit the quantity of codeine or of any of its salts that may be prescribed, administered, dispensed or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed or sold, in compliance with the general provisions of this chapter.

Section 2. A new section of the Kentucky Revised Statutes to be numbered 218.191 is hereby created to read as follows:

The State Board of Pharmacy, its agents and inspectors, shall have the same powers of inspection and enforcement as the State Department of Health insofar as narcotic drugs are concerned.

The Committee on Health and Welfare reported **HB 206** without expression of opinion.

The Committee on State Government reported **HB 39, HR 9, HR 32** and **SR 14** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 39,** AN ACT relating to standard time in Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Commonwealth of Kentucky is hereby exempted from section 3 of the Federal Uniform Time Act of 1966 (Public Law 89-554 (1966); 80 Stat. 107; 15 U.S.C. § 260a) providing for the advancement of time during certain periods of each year, and the entire Commonwealth (including all political subdivisions thereof) shall observe the standard time otherwise applicable under sections 261 to 264 of Title 15 U.S.C. at all times hereafter.

Section 2. Because the time change required by the Federal Uniform Time Act of 1966 becomes effective in April, an emergency is declared to exist and this Act shall be in full

force and effect from and after its passage and approval.

**HR 9,** A CONCURRENT RESOLUTION relating to standard time in Kentucky.

WHEREAS, under the law of the United States (15 U.S.C. § 261,263) the standard eastern time zone is based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich; and the central standard time zone on ninetieth degree; and

WHEREAS, under the limits of such zones as fixed by the Interstate Commerce Commission the line dividing the eastern time zone from the western time zone runs through Kentucky and places parts of Kentucky in two different time zones; and

WHEREAS, the seventy-fifth degree of longitude specified by federal law is east of the boundaries of Kentucky and the ninetieth degree of longitude is west of the boundaries of Kentucky:

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Secretary of Transportation of the United States be and he is hereby requested to consider at the earliest possible time the redefinition of time zone limits so as to place all of Kentucky in a single time zone; and

That a copy of this resolution be forwarded to the Secretary of Transportation, to the two Senators and to all the members of the House of Representatives representing Kentucky in the National Congress.

**HR 32,** A CONCURRENT RESOLUTION urging Governor Louie B. Nunn to include the necessary monies in the 1968-70 executive budget to match federal monies available for the construction and operation of a vocational rehabilitation center in Eastern Kentucky.

WHEREAS, an important element in upgrading this area of Kentucky is the availability of trained manpower; and

WHEREAS, there exists a very high concentration of disabled persons in this area of the state; and

WHEREAS, a vocational rehabilitation center would provide the needed physical therapy, job training and psychological services necessary to rehabilitate disabled persons; and

WHEREAS, federal officials have indicated that federal matching monies are available for such a vocational rehabilitation center;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That Governor Louie B. Nunn be urged to include in the executive budget for the period of 1968-69 and 1969-70 necessary monies for the construction and operation of a vocational rehabilitation center in Eastern Kentucky with an inpatient capability to provide services for not less than 200 persons and an outpatient capability to provide services for not less than 1,000 persons.

Section 2. That the Clerk of the Senate of the General Assembly of the Commonwealth of Kentucky be requested to deliver a copy of this resolution to Governor Louie B. Nunn, U. S. Senators John Sherman Cooper, Thruston B. Morton, U. S. Representative Carl Perkins and the State Commissioner of Finance.

SR 14, A CONCURRENT RESOLUTION providing for a Visiting Committee of the House and Senate to inspect the Governor's and Lieutenant Governor's Mansions.

WHEREAS, KRS 11.025 provides for the appointment of a Mansion Committee to render continuing attention to the maintenance, furnishing, and repairs of the executive mansions of the Governor and Lieutenant Governor; and

WHEREAS, said committee, duly appointed, has functioned since 1960 when KRS 11.025 became effective; and

WHEREAS, The Governor's Mansion and the Old Gov-

ernor's Mansion are owned, operated, and maintained by the Commonwealth; and

WHEREAS, the Governor and Lieutenant Governor in their official capacities are required to entertain extensively in behalf of the Commonwealth, particularly in the interest of furthering the industrial, tourist, and other economic development of the Commonwealth; and

WHEREAS, it is to the interest of the Commonwealth that these Mansions should be maintained and operated in a fashion which will reflect favorably on the reputation of the Commonwealth for gracious hospitality; and

WHEREAS, such operation and maintenance of the Mansions should be accomplished in an orderly and efficient manner; and

WHEREAS, the Department of Finance has been delegated the responsibility of managing, maintaining, and operating these Mansions; and

WHEREAS, the General Assembly on behalf of the people of Kentucky deem it advisable, and within its prerogative, to, from time to time, inspect these historic buildings to the end that the public, as well as the General Assembly, be advised as to the maintenance, furnishing, and repairs therein.

NOW, THEREFORE,

*Be it resolved by the Senate of the Commonwealth of Kentucky; the House of Representatives concurring therein:*

Section 1. That the Committee on Committees of the Senate and the Committee on Committees of the House of Representatives each appoint three members from their respective legislative bodies, two of whom shall be members of the majority party and one of whom shall be a member of the minority party, to constitute a Mansion Visiting Committee.

Section 2. That said Committee meet as soon after their appointment as practicable, elect a Chairman, and thereafter arrange with the Mansion Committee created under KRS 11.025 for a time suitable to the members thereof and to the joint com-

mittee, and both committees acting together shall visit and inspect the Governor's and Lieutenant Governor's mansions.

Section 3. That upon completion of the visits and inspections herein provided for, the Mansion Visiting Committee will make a report to the General Assembly concerning the maintenance, furnishing, and repairs of the executive mansions and shall report upon the need, if any, for furnishings, maintenance, or repairs of the executive mansions.

### Calendar

**SB 1** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that it be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

### Recess

Representative W. J. Reynolds moved that the House recess for fifteen minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Senate Message

Announcing passage of **SB 81, SB 126, SB 129, HB 47.**

### Motions, Petitions, and Communications

**HR 39,** A RESOLUTION inviting Reverend J. D. Tyree, pastor of A.M.E. Church in Harrodsburg, Kentucky, to offer the opening prayer in the House of Representatives on Tuesday, February 13, 1968.

WHEREAS, the House of Representatives follows the practice of opening each session with a prayer offered by a member of the clergy; and

WHEREAS, Reverend J. D. Tyree is the spiritual leader of A. M. E. Church in Harrodsburg, Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Reverend J. D. Tyree of A. M. E. Church in Harrodsburg, Kentucky be invited to offer the opening prayer in the House of Representatives on Tuesday, February 13, 1968.

Section 2. That a copy of this resolution be sent to Reverend J. D. Tyree.

Representative James moved the adoption of **HR 39**. Agreed.

**HR 40,** A RESOLUTION urging the President of the United States and the United States Congress to consider whether the State Teachers' Retirement is being discriminated against for federal income tax purposes and whether any retirement payments should be subject to federal income tax.

WHEREAS, Social Security payments are not subject to federal income tax; and

WHEREAS, Veterans' Disability pensions are not subject to federal income tax; and

WHEREAS, Railroad Retirement pensions are not subject to federal income tax;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the House of Representatives hereby urges the President of the United States and the United States Congress to consider whether the State Teachers' Retirement is being discriminated against for federal income tax purposes and whether any retirement payments should be subject to federal income tax.

Section 2. That a copy of this resolution be sent to the President of the United States and to the members of the United States Congress.

Section 3. That a copy of this resolution be sent to the

National Education Association and to the Kentucky State Education Association.

Representative Peace moved the adoption of **HR 40.** Agreed.

Representative White moved that the Rules be suspended for introduction of a Resolution. Agreed.

### Introduction of Bills and Resolutions

**HR 42,** by Representatives White and Bamberger: A CONCURRENT RESOLUTION relating to standard time zones.

### Motions, Petitions, and Communications (Cont.)

Representative Wesley moved the adoption of the following amendment to **HR 25.** Agreed.

Amend printed copy of House Resolution 25 on page 2, lines 1-5, by:

striking lines 1 through 5 and inserting in lieu thereof the following:

"That the Speaker appoint a committee of seven members, with party membership proportional to the party membership of the House, but with not more than four members of the same party, to review the use of space and equipment and to report its findings to this House on conclusion of its investigation."

Representative Wesley moved the adoption of **HR 25** as amended. Agreed.

### Orders of the Day

**HB 49,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Curlin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Schmidt moved the adoption of the following Amendment No. 4 to **HB 49:**

Amend printed copy of House Bill 49 on page 1, lines 1 through 5, by:

striking section 1, on lines 1 through 5 in its entirety.

On the roll call the vote was yeas 45—Baker, Ball Ballenger, Bamberger, Blythe, Bowles, Clark, Coffey, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Hoe, Huff, Jones, Keith, Kessinger, Lankford, Lawson, Maddox, McKinney, Melton, Robert L. Miller, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wesley, Wheeler, White, Wolchick, Wooley, Wright. Nays 51—Akers, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Carroll, Clapp, Cox, Curlin, Dawhare, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, C. R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, R. Reynolds, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells.

Amendment No. 4 to **HB 49** was rejected.

On the roll call the vote was yeas 53—Akers, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Carroll, Cox, Curlin, Walter F. Davis, Dawhare, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, Lankford, Louden, Massey, May, McBrayer, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells, Nays 37—Baker, Ball, Ballenger, Blythe, Bowles, Coffey, Cruse, J. A. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Hoe, Huff, Jones, Keith, Kessinger, McKinney, R. L. Miller, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

**HB 49** as amended was passed and the title agreed to.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 47** had been examined and found correctly enrolled. **HB 47** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**Orders of the Day (Cont.)**

**HB 50,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Riddle moved the adoption of the Committee Amendment to **HB 50.** Agreed.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blythe, Bowles, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Blume.

**HB 50** as amended was passed and the title agreed to.

**HB 106** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 38—Akers, Bleemel, Blume, Brown, Clapp, Cox, Cruse, Curlin, Dawhare, Floyd, Harper, Holbrook, Isler, Jones, Keene, Keith, Kessinger, King, Lankford, Louden, Massey, McGill, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Saylor, Schmidt, Siemens, Smith, Tobin, Wells. Nays 20—Arnett, Baker, Ball, Ballenger, Bowles, Coffey, DeMarcus, Denham, Hoe, James, Maddox, McBrayer, Melton, Riddle, Russell, Siemens, Webster, Wheeler, Wooley, Wright.

**HB 106** was defeated.

**HB 88** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Allen moved that **HB 88** be laid on the Clerk's Desk. Agreed.

**HB 115** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, May, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 0.

**HB 115** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 115** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 116** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd,

Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 116** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 116** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 118** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 0.

**HB 118** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 118** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 53** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 53** was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 53** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 61** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Blandford, Bleemel, Blume, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Siemens, Simmons, Stuart, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 2—Melton, R. L. Miller.

**HB 61** was passed and the title agreed to.

Representative Bleemel moved that the vote by which **HB 61** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 150** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Brown, Clapp, Coffey, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Saylor, Schmidt, Simmons, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 3—Blythe, Cox, Russell.

**HB 150** was passed and the title agreed to.

Representative Brown moved that the vote by which **HB 150** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 99,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Keene moved the adoption of the Committee Amendment to **HB 99.** Agreed.

On the roll call the vote was yeas 83—Akers, Alexander, Allen, Baker, Ballenger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman,

Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Russell Reyonlds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, White, Wolchik, Wooley, Wright. Nays 0.

**HB 99** as amended was passed and the title agreed to.

Representative Keene moved that the vote by which **HB 99** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 18** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 91—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**SB 18** was passed and the title agreed to.

Representative Keene moved that the vote by which **SB 18** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, February 7, 1968.

On the roll call the vote was yeas 42—Akers, Baker, Blandford, Blume, Brown, Clapp, Cox, James A. Davis, Dawhare, DeMarcus, Denham, Harper, Holbrook, Hopkins, Jones, Keene, Keith, Kidd, Lankford, Louden, Massey, May, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Prather, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Tobin, Vanover, Webster, Wells, Wesley, White, Wooley. Nays 3—Blythe, Halleck, Siemens.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 7, 1968
## THIRTIETH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Harper, May, R. Reynolds and Walters.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 6, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 288,** by Representatives Irick and Lankford: AN ACT relating to teachers.

**HB 289,** by Representatives Saylor, Lankford, Peace, Walters, Huff, White and Holbrook: AN ACT relating to sales and use taxes.

**HB 290,** by Representatives Blume and Kidd: AN ACT relating to weapons and explosives.

**HB 291,** by Representative Wells: AN ACT relating to condemnation of land by the Department of Highways.

**HB 292,** by Representative Rattliff: AN ACT relating to auctioneers.

**HB 293,** by Representative Curlin: AN ACT relating to school district employees.

**HB 294,** by Representative Curlin: AN ACT relating to blind persons.

**HB 295,** by Representative Isler: AN ACT relating to elections.

**HB 296,** by Representatives W. F. Davis and Schmidt: AN ACT relating to payment of jurors.

**HB 297,** by Representatives Russell, Blume, Ray, Cruse, Blythe, Kidd, McGill and Wright: AN ACT relating to common schools in counties containing cities of the first class.

**HR 43,** by Representative Hoe: A JOINT RESOLUTION directing the Legislative Research Commission and the Kentucky Crime Commission to study the penal laws of the Commonwealth.

**HR 44,** by Representative Cox: A RESOLUTION to adjourn the House of Representatives on Wednesday, February 7, 1968, in honor and appreciation of the Hopkins County Youth Center.

**Report of Committees**

The Committee on State Government reported **HB 56, HB 207, HB 211, HB 227** and **HB 228** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 56,** AN ACT relating to the State Real Estate Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 324.281 is amended to read:

There is hereby created the State Real Estate Commission. The Governor shall appoint *five* [three] persons, each of whom, immediately prior to the date of his appointment, has been a resident of the state for five years and whose vocation for a period of at least ten years shall have been that of a real estate broker, or a real estate salesman; one member shall be appointed for a term of one year; *two* [one] members shall be appointed for a term of two years; *two* [one] members shall be appointed for a term of three years; and until their successors are appointed and qualify, thereafter the term of the members of said commission shall be for three years and until their successors are appointed and qualify. Members to fill vacancies shall be appointed for the unexpired term.

**HB 207,** AN ACT relating to fireworks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 438.100 of the Kentucky Revised Statutes is amended to read:

As used in KRS 438.110 to 438.130 "fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or article, prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include but not limited to blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman Candles, Daygo bombs, [sparklers,] or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, [and] toy pistol paper caps which contain less than twenty-hundredths grains of explosive mixture, *and gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture,* the sale and use of which shall be permitted at all times.

Section 2. Section 438.110 of the Kentucky Revised Statutes is amended to read:

No person shall sell at retail, or offer, advertise or expose for sale at retail, or use or explode, any fireworks within this state, *except gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture;* Provided, however, that in cities the chief of the fire department, or mayor or similar official where there is no fire department, and in counties

outside of cities the county judge, shall have power to grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of such official, after proper inspection, shall not be hazardous to property or endanger any person. Applications for permits shall be made in writing at least fifteen days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 3. Section 438.130 of the Kentucky Revised Statutes is amended to read:

Nothing in KRS 438.100 to 438.140 shall prevent the retail sale and use of explosives or signaling flares used in the course of ordinary business or industry, *or gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture,* or shells or cartridges used as ammunition in firearms, or blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.

Section 4. A new section of Kentucky Revised Statutes is created to read:

*(1) Prior to the selling, offering for sale, possessing, storing, or use within this State, of: the gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredeths of a grain of explosive mixture, as provided for under the provisions of KRS 438.100; sufficient samples for inspection thereof must be submitted to the State Fire Marshal. Within ten days after receiving same the*

*State Fire Marshal shall make a determination if the submitted items comply with the provisions of KRS 438.100 and upon finding that the provisions of KRS 438.100 have been complied with, he shall issue a certificate of compliance to the person submitting the samples. If, upon inspection, the State Fire Marshal finds that the samples do not comply with the provisions of KRS 438.100 he shall refuse to issue a certificate of compliance and state to the party submitting the samples his reason therefor.*

*(2) No gold star producing sparklers, which contain no magnesium or chlorate, toy snakes which contain no mercury, smoke novelties and party novelties, which contain less than twenty-five hundredths of a grain of explosive mixture, which have been certified by the Fire Marshal as complying with provisions of KRS 438.100 shall be sold, offered for sale, possessed stored, or used within this State unless they shall be properly named on all shipping cases and by printing on the article and so positioned as to be readily recognized by law enforcement authorities and the general public.*

**HB 211,** AN ACT relating to concealed deadly weapons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person, except as authorized in this section, shall carry concealed a deadly weapon, other than an ordinary pocket knife, on or about his person.

(2) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons without being required to obtain a license as provided in subsection (3).

(3) Any person not exempted by subsection (2) may secure from the Department of Public Safety a concealed deadly

weapon license. The department shall issue a license only upon strict compliance with the procedures and limitations set forth in this Act. Possession of a license shall authorize the person to whom it is issued to carry concealed a deadly weapon, subject to the reasonable restrictions imposed by the department upon the issuance of the license, and limited to the weapon or weapons described thereon. Licenses shall be issued for a calendar year and may be renewed; provided, however, no license under suspension shall be renewed. The term of a suspended license shall continue beyond the calendar year for which it is issued. Upon termination of the suspension, a reinstated license may be renewed. If the holder of a revoked license applies for a subsequent license, he shall follow the provisions of this Act for initial applications, and shall pay the fee provided therefor.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Application for a concealed deadly weapon license shall be made to the state Department of Public Safety. The application shall contain such information as the department shall require, shall be executed before a notary public, shall be certified by the applicant as to the truth of the information contained therein, and shall bear the signature of the judge of a court of record, sheriff, chief of police of the county or city, or the Director of the City Department of Public Safety of the city or county of the applicant's residence or principal business.

(2) Applicants for a concealed deadly weapon license shall be no less than twenty-five years of age, and a resident of or engaged in substantial business activities in the Commonwealth. Issuance of a license shall be for and is limited to one or more of the following reasons:

(a) The applicant's business requires extensive travel during hours of darkness;

(b) The applicant's business requires the transportation of valuables;

(c) The life or well-being of the applicant or a member of his immediate family has been threatened.

(3) No license shall be issued to any applicant who:

(a) Has been convicted of a felony;

(b) Is, in the judgment of the Commissioner, an habitual misdemeanant;

(c) Is or has been an alcoholic or a narcotic addict; or

(d) Has been adjudged by a court to be mentally incompetent.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

Each concealed deadly weapon license shall be on a form prescribed by the department, and shall include the signature, thumb print, and a recent photograph of the applicant, and a complete description of the weapon or weapons for which it is issued, including serial number, if any.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) A concealed deadly weapon license shall be suspended upon the arrest of the licensee for the commission of any felony, or for violation of any provision of this Act. The suspension shall continue until the licensee is cleared of the charges pending against him or until the license is revoked under the provisions of subsection (2).

(2) A concealed deadly weapon license shall be revoked if the licensee is convicted of:

(a) A felony;

(b) Violation of any statute or ordinance regulating the use of any deadly weapon, providing that a violation in defense of life, limb, or property of the licensee or an immediate member of his family shall not be grounds for revocation;

(c) Failure to carry the license on his person at all times while carrying a concealed deadly weapon;

(d) Failure to show the license upon demand of any peace officer; or

(e) Violation of any other provision of this Act.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The Commissioner may suspend any license if he has reasonable grounds to believe that the license holder has committed a violation of the provisions of this Act.

(2) The department shall notify the person whose license has been so suspended no more than seven days after the suspension:

(a) That his license has been suspended, and the reasons therefor; and

(b) That he has the right of appeal, and the provisions of law governing that appeal; and

(c) That if he does not appeal the suspension, the license will be revoked in not less than thirty days from the date of suspension.

(3) Any person whose license has been suspended under the provisions of this section may request a hearing before the Commissioner. If the request is made no more than thirty days from the date of suspension, the Commissioner shall hold the hearing. If the request is made after thirty days from the date of suspension, the Commissioner may hold the hearing. The hearing shall be held only after the licensee has been given adequate notice. At the hearing the licensee and the Commissioner may have the benefit of counsel.

(4) The Commissioner may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before him in person as in civil cases by subpoena issued over his signature and in the name of the Commonwealth.

(5) A licensee may appeal the ruling of the Commissioner in the hearing within thirty days of the issuance of the ruling. The circuit court of the county in which the licensee resides or has his principal place of business and the Franklin Circuit Court shall have concurrent jurisdiction over such appeals. The circuit court to which the licensee appeals shall be limited to a

determination as to whether there were reasonable grounds to believe a violation had occured, and, if so, whether the licensee had established reasonable grounds to believe that he had not been a party to such a violation of this Act. Either party may appeal from the judgment of the circuit court to the Court of Appeals. The order appealed from shall be stayed until final determination of the appeal.

(6) A license suspended under the provisions of this section shall be revoked:

(a) If not reinstated by appellate procedure; or

(b) No less than thirty days after the date of suspension, if the suspension is not appealed.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Each licensee shall carry upon his person at all times when carrying a concealed deadly weapon the license authorizing the concealment of that weapon.

(2) Each licensee shall show his license to any peace officer upon demand, while carrying a concealed deadly weapon.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The department shall investigate each application and each applicant, to insure that no ground exists for refusing issuance of a license, before approving an application.

(2) The department shall be paid a non-refundable fee, which it shall forward to the General Fund of the State Treasury, for each transaction provided in this Act as follows:

(a) For initial application ---------- $100.00

(b) For annual renewal ---------- 10.00

(c) For adding weapons to a current license -- 5.00

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who violates Section 1 of this Act shall, for the first offense, be fined not less than one hundred dollars nor more than five hundred dollars, or confined in the penitentiary for not less than one year nor more than three years, or both; for the second offense be fined not less than two hundred dollars nor more than one thousand dollars, or confined in the penitentiary for not less than two years nor more than five years, or both; and for the third and subsequent offenses shall be fined not less than five hundred dollars nor more than five thousand dollars, or confined in the penitentiary for not less than five years nor more than fifteen years, or both. Judgment in such cases shall not be given for the increased penalty unless the jury finds, from the record and other competent evidence, the fact of former convictions of Section 1 of this Act committed by the defendant.

(2) Any person who violates Section 6 of this Act shall be fined not less than twenty dollars nor more than fifty dollars.

Section 9. Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

[(1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or a] Any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.

[(2) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their person.]

**HB 227,** AN ACT relating to the Legislative Audit Committee.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 6.380 of the Kentucky Revised Statutes is amended to read as follows:

*(1) The committee shall, if sufficient funds are appropriated for its use, direct the legislative auditor to audit annually, and at such other times as may be deemed expedient, the accounts of all state agencies, all private and semiprivate agencies receiving state aid or having responsibility for the handling of any state funds, the accounts, records and transactions of the budget units, and the general accounts of the state;*

*(2)* The committee may direct the legislative auditor to:

*(a)* [(1)] Perform an audit of any accounts, books and other financial records of the state government, or an officer of the state, every department, board, bureau, institution, commission, agency, or other unit;

*(b)* [(2)] Examine and audit any fiscal books, records, and accounts of custodians of public funds, and of disbursing officers of the state, making independent verification of all assets, liabilities, revenues and expenditures of the state and agencies of the state;

*(c)* [(3)] Perform audit of any agency, private or semiprivate agency or organization receiving state funds; [, except as provided in Section 19 of this Act;]

*(d)* [(4)] Require the assitsance of any executives and officials, auditors, *accountants* [accounts], and other employees of any agency at any time in the inspection, examination and audit of books, accounts and records.

*(3). The legislative auditor shall prepare a written report of his findings and recommendations with respect to each audit and examination made in accordance with the provisions of this section for presentation to the Legislative Audit Committee.*

Section 2. Section 6.400 of the Kentucky Revised Statutes is repealed.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

Any state agency, private or semiprivate agency, asylum, prison, feeble-minded or eleemosynary institution or public work to which money is appropriated by the State, and which provides for an annual audit of its accounts by a private accounting firm, shall, prior to the commencement of the audit, notify in writing the Legislative Audit Committee. The committee, or its designated representative, shall thereupon consult with the agency, institution or public work, and with a representative of the accounting firm selected to make the audit, with reference to the scope and program of the audit, and may make recommendations in respect thereto. After the completion of the audit, the Legislative Audit Committee shall be furnished a copy of the audit and any letter of recommendation submitted by the accounting firm.

Section 4. Section 6.385 of the Kentucky Revised Statutes is amended to read as follows:

(1) The legislative auditor shall employ the most efficient personnel available. It is the intention and desire of the General Assembly to free the legislative auditor and his staff from partisan politics. The auditor and the staff shall not engage in or be associated with any partisan political activity.

(2) The legislative auditor may not serve in any ex officio capacity on an administrative board or commission, or have a financial interest in the transaction of any agency.

(3) The salary of the legislative auditor shall be established by the legislature or the Legislative Research Commission at not more than $17,500 per year. Other employes of the committee shall be paid in the same manner and through the same procedure used for the payment of salaries of other *Legislative Research Commission employes.* [state employes. All employes shall be covered by the State Merit System and classification and pay plan.]

**HB 228,** AN ACT relating to the Kentucky Historical Society.

WHEREAS, the Kentucky Historical Society is the oldest continuously functioning state historical society in the United States, and

WHEREAS, the membership of the Society now exceeds 5000, which is more than double the number of members two years ago, and

WHEREAS, the Old State Capitol Building has been occupied by the Society and used as its Headquarters since 1920, and

WHEREAS, the Annex to the Old State Capitol Building will be occupied by the Society and used for purposes of the Society as soon as the said Annex is vacated by those agencies of the Commonwealth which now occupy it but which will move out as soon as construction of the Capital Plaza Office Building is completed, and

WHEREAS, the Grounds surrounding the Old State Capitol Building and its Annex should be preserved and used in a manner consistent with the preservation and use of the said Capitol Building and its Annex, and

WHEREAS, the custody of the Old State Capitol Building, the Annex, and the Grounds is not now clearly vested by law in the Society, and

WHEREAS, the maintenance and preservation of these historical buildings and grounds is not now specifically prescribed by law.

NOW THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 171.315 of Chapter 171 of the Kentucky Revised Statutes is amended to read as follows:

*(1) The Headquarters of the Kentucky Historical Society shall be located in the Old State Capitol Building, and the said Society shall control in all respects the manner in which the said Capitol Building and the space therein, shall be used. The said Society shall exercise the same control over the Old State Capitol Building Annex, and the Society shall use the said Annex for such purposes of the Society as it shall deem necessary and proper. The Grounds around the Old State Capitol Building and its Annex, such Grounds being now bounded by Broadway, Madi-*

*son, Clinton, and Lewis Streets, shall be subject to the control of the said Society and be used by the Society, for such purposes of the Society as it shall deem necessary and proper. No major alterations or other changes concerning the said Building, Annex, or Grounds shall be made without the approval of the Commissioner of Finance and the Governor. The maintenance and security of the said Building, Annex, and Grounds shall be the responsibility of the Department of Finance.*

*(2) No part of, or interest in, the real property hereinabove specified shall be leased, sold, or otherwise disposed of under any circumstances. Said real property, including the building interiors, shall be maintained and preserved in a manner consistent with the best interests of the Commonwealth.*

[The Kentucky Historical Society shall constitute an independent agency of the state government within the meaning of KRS Chapter 12. All powers conferred by law upon the Kentucky Historical Society shall be exercised subject to the provisions of KRS Chapters 42, 45, 56, and 64.]

The Committee on Banking and Insurance reported **HB 60** and **HB 181** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 60,** AN ACT relating to the making, drawing, uttering or delivery of checks or other forms of commercial paper with intent to defraud.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 434.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who with intent to defraud makes, draws, utters or delivers any check, draft or order for the payment of money upon any bank or depository, knowing at the time of the making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in or credit with the bank or other depository for the payment of the check, draft or order in full upon its presentation; or who, after having made, drawn, uttered or

delivered any check, draft or other order for the payment of money upon any bank or other depository, withdraws or causes to be withdrawn the money or any part of the money to the credit of the maker of the draft, check or other order for the payment of money, without leaving with the bank or other depository a sum sufficient to cover the check, draft or other order for the payment of money, shall, if the amount of the check, draft or order is under twenty dollars, be fined not more than one hundred dollars, or imprisoned for not less than one nor more than ninety days, or both. If the amount of the check, draft or order is for twenty dollars or over, he shall be confined in the penitentiary for not less than one year nor more than two years.

*(2) Any person found guilty under this section shall not be given a suspended sentence nor shall he be placed on probation unless restitution is made to the person defrauded.*

*(3) Any person convicted under this section a second time shall be imprisoned under the provisions of this section, and if the amount of the check, draft or order was for twenty dollars or over in each instance, such person shall be confined in the penitentiary for not less than double the time of the sentence of the first conviction.*

*(4)* [(2)] The making, drawing, uttering or delivering of a check, draft or order described in subsection (1) of this section shall be prima facie evidence of intent to defraud.

**HB 181,** AN ACT relating to securities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 292.310 of the Kentucky Revised Statutes is amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Director" means the Director of the Division of Securities in the Department of Banking and Securities;

(2) "Agent" means any individual other than a broker-dealer who represents a broker-dealer or issuer in effecting or at-

tempting to effect sales of securities, but "agent" does not include an individual who represents an issuer in (a) affecting a transaction in a security exempted by subsections (1), (2), (3), (9), (10) or (11) of KRS 292.400, (b) effecting transactions exempted by KRS 292.410 or (c) effecting transactions with existing employes, partners or directors of the issuer if no commission or other remuneration is paid or given directly or indirectly for soliciting any person in this state. A partner, officer, or director of a broker-dealer or issuer is an agent only if he otherwise comes within this definition;

(3) "Broker-Dealer" means any person engaged in the business of effective transactions in securities for the account of others or for his own account. "Broker-Dealer" does not include (a) an agent, issuer, bank, savings institution, or trust company, (b) a person who has no place of business in this state if he effects transactions in this state exclusively with or through the issuers of the securities involved in the transactions, other broker-dealers, or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (c) a person who has no place of business in this state if during any period of twelve consecutive months he does not direct more than fifteen offers to sell or to buy into this state in any manner to persons other than those specified in paragraph (b);

(4) "Guaranteed" means guaranteed as to payment of principal, interest, or dividends;

(5) "Investment adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. "Investment adviser" does not include (a) a bank, savings institution, or trust company; (b) a lawyer, accountant, engineer, or teacher whose performance of these services is solely incidental to the practice of his profession, (c) a

broker-dealer; (d) a publisher of any bona fide newspaper, news magazine, or business or financial publication of general, regular, and paid circulation; (e) a person whose advice, analyses, or reports relate only to securities exempted by KRS 292.400 (1); (f) a person who has no place of business in this state if 1. his only clients in this state are other investment advisers, broker-dealers; banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or 2. during any period of twelve consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause 1., or (b) such other persons not within the intent of this subsection as the director may by rule or order designate;

(6) "Issuer" means any person who issues or proposes to issue any security, except that with respect to certificates of deposit, voting trust certificates, or collateral-trust certificates, or with respect to certificates of interest or shares in an unincorporated investment trust not having a board of directors (or persons performing similar functions) or of the fixed, restricted management, or unit type, the term "issuer" means the person or persons performing the acts and assuming the duties of depositors or manager pursuant to the provisions of the trust or other agreement or instrument under which the security is issued;

(7) "Non-issuer" means not directly or indirectly for the benefit of the issuer;

(8) "Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government;

(9) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a security or interest in a security for value. "Offer" or "offer to sell" includes every attempt to offer to dispose of, or solicitation of an offer to buy, a security or

interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing is considered to constitute part of the subject of the purchase and to have been offered and sold for value. A purported gift of assessable stock is considered to involve an offer and sale. Every sale or offer of a warrant or right to purchase or subscribe to another security of the same or another issuer, as well as every sale or offer of a security which gives the holder a present or future right or privilege to convert into another security of the same or another issuer, is considered to include an offer of the other security;

(10) "Securities Act of 1933," "Securities Exchange Act of 1934," "Public Utility Holding Company Act of 1935," and "Investment Company Act of 1940" means the federal statutes of those names as amended before or after January 1, 1961;

(11) "Security" means any note, stock, treasury stock, bond, debentures, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security [, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease to more than five persons]; or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in temporary or interim certificate for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing. "Security" does not include any insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period;

(12) "State" means any state, territory, or possession of the United States, as well as the District of Columbia and Puerto Rico.

Section 2. Section 292.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following securities may be registered by notifi-

cation, whether or not they are also eligible for registration by coordination under KRS 292.360;

(a) Any security whose issuer and any predecessors have been in continuous operation for at least five years if:

1. There has been no default during the current fiscal year or within the three preceding fiscal years in the payment of principal, interest, or dividends on any security of the issuer (or any predecessor) with a fixed maturity or a fixed interest or dividend provision; and

2. The issuer and any predecessors during the past three fiscal years have had average net earnings, determined in accordance with generally accepting accounting practices, which are applicable to all securities without a fixed maturity or a fixed interest or dividend provision and which equal at least five percent of the amount of securities without a fixed maturity or a fixed interest or dividend provision outstanding at the date the registration statement is filed (as measured by the maximum offering price or the market price on a day selected by the registrant within thirty days before the date of filing the registration statement, whichever is higher, or if there is neither a readily determinable market price nor an offering price, book value on a day selected by the registrant within ninety days of the date of filing the registration statement), or if the issuer and any predecessors have not had any securities without a fixed maturity or a fixed interest or dividend provision outstanding for three full fiscal years, equal at least five percent of the amount (as measured by the maximum public offering price) of such securities which will be outstanding if all the securities being offered or proposed to be offered (whether or not they are proposed to be registered or offered in this state) are issued;

(b) Any security [(other than a certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease)] registered for nonissuer distribution if any security of the same class has ever been registered under this chapter or a predecessor law, or the security being registered was originally issued pursuant to an exemption under this chapter or a predecessor law.

(2) A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in KRS 292.380 and, if required under KRS 292.430, a consent to service of process meeting the requirements of that section:

(a) A statement demonstrating eligibility for registration by notification;

(b) With respect to the issuer: its name, address, and form of organization; the state (or foreign jurisdiction) and the date of its organization; and the general character and location of its business;

(c) A description of the securities being registered;

(d) Total amount of securities to be offered and amount of securities to be offered in this state;

(e) The price at which the securities are to be offered for sale to the public; any variation therefrom at which any portion of the offering is to be made to any persons, other than as underwriting and selling discounts or commissions; and the estimated maximum aggregate underwriting and selling discounts or commissions and finders' fees (including cash, securities, or anything else of value);

(f) Names and addresses of the managing underwriters and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter;

(g) Description of any security options outstanding or to be created in connection with the offering;

(h) Any adverse order, judgment or decree previously entered in connection with the offering by any court or the Securities and Exchange Commission;

(i) A copy of any offering circular or prospectus to be used in connection with the offering;

(j) In the case of any registration under paragraph (b) of subsection (1) which does not also satisfy the conditions of paragraph (a) of subsection (1), a balance sheet of the issuer as of a

date within four months prior to the filing of the registration statement, and a summary of earning for each of the two fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessors' existence if less than two years.

(3) If no stop order is in effect and no proceeding is pending under KRS 292.390, a registration statement under this section automatically becomes effective at three o'clock Eastern Standard Time in the afternoon of the second full business day after the filing of the registration statement or the last amendment, or at such earlier times as the director determines.

The Committee on Public Utilities and Transportation reported **HB 136** with Committee Amendment attached thereto, **HB 226** and **HB 112** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 136,** AN ACT relating to excavations and surface disturbances by pipeline companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 416.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Where the pipe line is reasonably accessible over the easement sought to be condemned, ingress and egress to and from the pipe line and appurtenances shall be limited to the easement itself.

*(2) With respect to any pipe line constructed by a pipe line company after the effective date of this Act:*

*(a) Such pipe lines (exclusive of appurtenances customarily located above ground) shall be buried to a sufficient depth so as not to interfere with the normal cultivation of the soil after the construction thereof;*

*(b) If, during the construction of such pipe line, it becomes necessary to cross a fence, a proper temporary enclosure shall be*

*maintained and said fence shall be restored as promptly as possible to as good condition as it was prior to the crossing;*

*(c) After the construction of a pipe line, reasonable measures shall be taken to prevent subsidence of the backfill;*

*(d) Any terraces or drainage ditches constructed by a pipe line company shall be done in accordance with good agricultural and soil conservation practices;*

*(e) No pipe line company shall allow scrap materials, debris or other waste material accumulated in the process of excavation for pipe lines and maintenance thereof, to remain on any public or private property after such excavation or maintenance is completed.*

*(3) Unless payment (voluntarily, by agreement or under a condemnation award) by the pipe line company to the owner of the property (or his predecessor or successor in title) has been made for any damage resulting directly from the failure of a pipe line company to comply with any of the duties imposed by subsection (2) of this section, said owner shall have the right to recover such damages in any court having proper venue and jurisdiction of such an action.*

Committee Amendment to **HB 136** is as follows:

Amend printed copy of House Hill 136 on page 2, line 10, by:

deleting the word *", debris"*

**HB 226,** AN ACT relating to motor vehicle licensing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Owners of motor vehicles who are residents of this state and who hold an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, upon application each licensing year, accompanied by proof of ownership of such amateur radio station license, and upon complying with all other laws of this state relating to the registration and licensing of motor vehicles, and upon the payment of an additional license fee of five dollars,

shall be issued, within ninety days after such application, an additional license plate upon which shall be inscribed, in lieu of the usual number, the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission, and the year for which the plate is issued. An application for such special license shall in no way interfere with the regular registration of the vehicle. Any person purchasing a license plate under the provisions of this act shall be authorized to leave the original plate in the custody of the county clerk and attach the plate bearing the radio call letters on the vehicles so licensed. Upon the sale or transfer of such vehicle bearing such special plate the owner shall remove same and obtain from the custody of the county clerk the original plate and attach it to the vehicle to be sold or transferred. Said special plate may be presented to the county clerk and he shall reissue same for use on any other vehicle owned by such radio station licensee.

Section 2. For services performed, the county clerk shall receive from each applicant, in addition to the regular registration fee, the sum of one dollar for each registration under this section. A like amount shall be charged for the reissuance of such special license plate after the sale or transfer of the vehicle to which it was originally attached.

**HB 112,** AN ACT relating to operation of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) Upon recommendation of the judge of the court in which a person was convicted of an offense for which his operator's license was suspended or revoked, the Department of Public Safety may issue an occupational license.

(2) An occupational license may be issued only to a person who has demonstrated to the satisfaction of the department that operating a motor vehicle is an essential part of that person's livelihood.

(3) Occupational licenses shall be limited to enumerated hours, specifically described vehicles, places or purposes, and in any other manner which the department deems appropriate.

(4) In addition to the occupational license the department shall issue to the driver one or more certificates bearing the legend "Restricted Driver." No person using an occupational driver's license shall operate a motor vehicle which does not have a restricted driver certificate affixed to its windshield.

(5) Occupational licenses shall expire one year from issue, and shall not be renewable. In the event that the operator's license of a driver is suspended or revoked for a period exceeding one year, the holder of an occupational license may reapply to the department, upon the expiration of that license, for a new occupational license.

(6) Applicants for an occupational license shall pay to the circuit clerk a fee of fifty dollars. The clerk shall retain one dollar, and shall forward forty-nine dollars to the department. If the department refuses to issue an occupational license to the applicant, the department shall return forty dollars to the applicant.

(7) If the department refuses to issue an occupational license to any applicant, the applicant may appeal the decision of the department in the manner prescribed in KRS 186.560.

Section 2. If any holder of an occupational license violates any of the restrictions or conditions of his occupational license, the occupational license shall be revoked for a period of one year from the date of the violation.

The Committee on Public Utilities and Transportation reported **HB 161, HB 162** and **HB 224** with the expression of opinion that the same should not pass.

The Committee on Rules reported **HR 33, HB 166, HB 59, HB 132** and **SB 1** with the expression of opinion that the same should pass.

## Calendar

**HB 160, HB 142, HB 171, HB 196, HB 26** with Committee Substitute attached thereto, **HB 39, HR 9, HR 32** and **SR 14** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title

only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

**Motions, Petitions, and Communications**

**HR 44,** A RESOLUTION to adjourn the House of Representatives on Wednesday, February 7, 1968, in honor and appreciation of the Hopkins County Youth Center.

WHEREAS, the Hopkins County Youth Center is beginning its fifteenth year of service to the young people of Hopkins County; and

WHEREAS, the operation and success of the Hopkins County Youth Center has served as a model for other Kentucky cities, and representatives from other states have observed its practices; and

WHEREAS, this organization, governed by its members in grades seven through twelve of school, provides unparalleled recreational facilities and activities throughout the year, thereby practically eliminating juvenile delinquency and promoting sportsmanship and citizenship;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns on Wednesday, February 7, 1968, it does so in honor and appreciation of the Hopkins County Youth Center.

Section 2. That the Clerk of the House of Representatives be directed to send a copy of this resolution to the Hopkins County Youth Center.

Representative Cox moved the adoption of **HR 44.** Agreed.

**Orders of the Day**

Representative Morgan moved that **HB 36** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that **HB 166,** with Committee

Amendment attached thereto, be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 59** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Kidd, King, Lankford, Lassiter, Louden, Maddox, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 59** was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 59** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 132** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Floyd, Halleck, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ratliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor,

Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 132** was passed and the title agreed to.

**SB 1** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**SB 1** was passed and the title agreed to.

Representative McGill moved that the Rules be suspended to introduce a Resolution. Agreed.

### Introduction of Bills and Resolutions

**HR 45,** by Representative McGill: A RESOLUTION declaring Negro History Week.

WHEREAS, the Negro has, for many generations, made substantial contributions to American life in the fields of economic development, science, art, music, literature, law; and

WHEREAS, research into the history of the Negro race and a proper recording, dissemination and teaching of the Negro's role in the history of our country is necessary in order that the Negro may have the benefit of his tradition and heritage; and

WHEREAS, since 1926 a designated week has been observed during which attention is focused upon the Negro and his historical background,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the week of February 11-17, 1968, be proclaimed as "Negro History Week" and during this period the citizens of the Commonwealth are invited to view the achievements of the Negro to the end that they may become aware of the contribution of the Negro to civilization.

Representative McGill moved the adoption of **HR 45.** Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Thursday, February 8, 1968.

Representative Morgan moved that the adjournment motion be withdrawn. Agreed.

Representative James moved that the Rules be suspended to make a motion concerning **HB 224.** Agreed.

**Motion**

Representative James moved that **HB 224** be given first reading, the report of the Committee on Public Utilities and Transportation notwithstanding.

On the roll call the vote was yeas 41—Arnett, Baker, Ball, Bowles, Bruce, Carroll, Coffey, Cox, Cruse, Denham, Floyd, Greer, Hampton, Hardin, Hoffman, Holbrook, Huff, Irick, James, Johnson, Justice, Keene, Kessinger, King, Lassiter, McGill, Melton, Mitchell, Peace, Prather, Rattliff, Ray, Richey, Rickert, Riddle, Sartin, Simmons, Webster, White, Wolchik, Wooley. Nays 10—Akers, Ballenger, Bamberger, Hinkle, Isler, R. L. Miller, Morgan, Murphy, Stuart, Wright.

The motion that **HB 224** be given first reading was rejected.

**Report on Enrolled Bills**

The Committee on Enrollment reported **SB 18** had been examined and found correctly enrolled. **SB 18** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 47** delivered, signed by President. Ordered delivered to the Governor.

Representative Morgan moved that the House adjourn until 1:00 p.m., Thursday, February 8, 1968.

On the roll call the vote was yeas 37—Akers, Alexander, Allen, Baker, Ballenger, Blandford, Blume, Bruce, Cox, James A. Davis, Greer, Halleck, Hinkle, Hoe, Hopkins, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McNamara, Robert L. Miller, Morgan, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Riddle, Sartin, Webster, White, Wooley, Wright. Nays 2 —Blythe, Johnson.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 8, 1968

## THIRTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Carroll. Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representative Justice.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 7, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 298,** by Representative Hinkle: AN ACT relating to conveyances and encumbrances.

**HB 299,** by Representatives Cruse, Stuart, Wright, Ballenger, C. R. Miller, Keene, Siemens, Murphy, R. L. Miller and Clapp: AN ACT relating to inter-city and inter-county compacts for exchanging police protection.

**HB 300,** by Representative King: AN ACT relating to repair, closing or demolition of unfit dwellings by cities and counties.

**HB 301,** by Representative King: AN ACT relating to mental health.

**HB 302,** by Representatives Murphy, Mershon, Siemens and Blume: AN ACT relating to firefighters employed by state and local governmental units.

**HB 303,** by Representatives Murphy, Mershon and Bamberger: AN ACT relating to law enforcement officers.

**HB 304,** by Representatives Morgan and Ball: AN ACT relating to birth certificates of adopted children.

**HB 305,** by Representatives Morgan and Ball: AN ACT

relating to the granting to the Department of Child Welfare certain fiduciary authority.

**HB 306,** by Representatives Morgan and Ball: AN ACT relating to Right of Appeal in the Juvenile Court.

**HB 307,** by Representatives Morgan and Ball: AN ACT relating to the Kentucky Children's Advisory Council.

**HB 308,** by Representatives Morgan and Ball: AN ACT relating to the care, maintenance and support of children disposed of by action of juvenile courts.

**HB 309,** by Representatives Morgan and Ball: AN ACT relating to a statewide annual conference of judges of the Juvenile courts.

**HB 310,** by Representatives Morgan and Ball: AN ACT relating to the suitability of homes for children receiving aid to families with dependent children payments.

**HB 311,** by Representatives Morgan and Ball: AN ACT relating to the voluntary commitment of children to the Kentucky Department of Child Welfare.

**HB 312,** by Representatives Morgan and Ball: AN ACT relating to institutions operated by the Department of Child Welfare, especially Regional Reception-Diagnostic Centers.

**HB 313,** by Representatives Murphy and Mershon: AN ACT relating to unemployment insurance.

**HB 314,** by Representatives Murphy and Mershon: AN ACT relating to unemployment insurance.

**HB 315,** by Representatives Wheeler, Halleck, McCallum, Denham, Murphy and Greer: AN ACT relating to the control of air pollution.

**HB 316,** by Representative Pettit: AN ACT relating to instruments which convey or encumber real property.

**HB 317,** by Representatives Bruce and Harper: AN ACT relating to banks and banking.

**HB 318,** by Representatives Curlin and Rickert: AN ACT

proposing to amend Section 42 of the Constitution of Kentucky relating to length of sessions of the General Assembly.

**HB 319,** by Representatives Harper, Bamberger and Bruce: AN ACT relating to mortgages.

**HB 320,** by Representatives Clapp, Lassiter, Tobin and Maddox: AN ACT relating to motor vehicles.

**HB 321,** by Representatives McCallum, Hampton, DeMarcus and Bruce: AN ACT proposing an amendment to the Constitution of Kentucky making exception to taxation's principle of uniformity of both rate and valuation for the class of property including the surface of land.

**HB 322,** by Representatives Keith, Keene, W. F. Davis, Hoe, Sartin, Wells, Simmons, Louden, Prather, Brown and Alexander: AN ACT relating to livestock dealers.

**HB 323,** by Representatives Hunt, W. J. Reynolds, Morgan, Wright, Ballenger, Blume and Hoffman: AN ACT relating to membership on the State Board of Health.

**HB 324,** by Representative Blandford: AN ACT relating to peddlers.

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 257, HB 258, HB 271, HB 280.**

Appropriations and Revenue: **HB 261, HB 278, HB 289.**

Banking and Insurance: **HB 270, HB 285, HB 286, SB 81, SB 129.**

Business Organizations and Professions: **HB 279, HB 287, HB 292.**

Cities: **HB 259.**

Counties and Special Districts: **HB 268, HB 269, HB 282, HB 296.**

Education: **HB 263, HB 288, HB 293, HB 297.**

Elections and Constitutional Amendments: **HB 273, HB 276, HB 295.**

Health and Welfare: **HB 266, HB 272, HR 43.**

Highways and Traffic Safety: **HB 267, HB 275, HB 291.**

Judiciary: **HB 274, HB 281, HB 283, HB 284.**

Labor and Industry: **HB 264, HB 277.**

Public Utilities and Transportation: **HB 260, HB 262, HB 265.**

State Government: **HB 290, HB 294, HR 38, HR 41, HR 42, SB 126.**

**Report of Committees**

The Committee on Rules reported **HR 32, HR 9, HB 8** with Committee Substitute attached thereto, **HB 124, HB 133, HB 84** with Committee Amendment attached thereto, **HB 196, HB 171, HB 142, HB 26** with Committee Substitute attached thereto, **HB 39** and **SR 14** with the expression of opinion that the same should pass.

The Committee on Counties and Special Districts reported **HB 5,** with Committee Amendment attached thereto, **HB 167** and **HB 187** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 5,** AN ACT relating to the working of prisoners in county jails.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 441.150 is amended to read:

The county judge may appoint a manager for each crew of prisoners, who shall also act as a guard, and the county judge may appoint such additional guards as may be necessary, except that no crew shall consist of less than three prisoners and not more than one man shall be paid to guard and manage less than

ten prisoners. The managers and guards shall give bond, in a sum to be fixed by the county judge, for the faithful performance of their duties, and shall take an oath to faithfully perform their duties. They shall serve during the pleasure of the county judge. They shall be peace officers with power to make arrests. They shall be paid not less than *one dollar per hour nor more than one dollar fifty cents* [ten cents nor more than twenty-five cents] per hour while on duty, the amount to be paid to be fixed in the order of appointment. The manager of each crew shall see that the prisoners are comfortably fed and lodged, and have proper attention when sick, and that they work and conduct themselves according to prescribed regulations. The manager shall receive and safely keep all prisoners committed to his custody. He shall report to the county court in regard to such matters as the court directs, and he and the guards shall in all respects obey such orders as the county court makes respecting their duties.

Committee Amendment to **HB 5** is as follows:

Amend printed copy of House Bill No. 5 on pages 1 and 2, by:

Deleting lines 12 and 13 of page 1 and lines 1 and 2 of page 2 and substituting in lieu thereof the following:

"shall be paid [not less than ten cents nor more than twenty-five cents per hour while on duty] an amount to be fixed by the Fiscal Court, not to exceed one dollar and fifty cents per hour while on duty. The manager of each crew shall see that"

**HB 167,** AN ACT relating to master commissioners and receivers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 64.270 is amended to read:

(1) In counties containing *cities* [a city] of the first *or second* class, commissioners and receivers appointed by the circuit court shall receive an annual salary set by the circuit court, payable out of the fees of the office. In counties containing a population of 75,000 or over but not containing a city of the first *or second* class, commissioners and receivers appointed by the cir-

cuit court shall receive an annual salary of $7,200, payable out of the fees of the office.

(2) The amount, if any, allowed for necessary office expenses of said commissioners and receivers shall be fixed and regulated by an order entered upon the order book of the circuit court. A certified copy of the order and any subsequent changes made therein shall, as soon as entered, be forwarded to the Department of Finance.

(3) Each of said commissioners and receivers shall enter and keep in books in his office an account of the amounts earned by him or due him for official services rendered, when and to whom the service was rendered, what part has been paid, and when paid. He shall annually, in January, report to the Department of Finance, under oath, the amount received by him for official services from all sources during the preceding year, and the amount paid out for deputies, assistants and office expenses, giving separately the amount paid out for each item.

(4) Except as provided in subsection (5) of this section, the commissioner or receiver shall, with the annual statement, pay to the Department of Finance any amount in excess of his salary, received during the preceding year for official services, that remains after payment of salaries of deputies and assistants and legitimate office expenses.

(5) Such commissioners and receivers may make up out of the surplus of any year any shortage in their salaries, or the salaries of their deputies, of any previous year.

**HB 187,** AN ACT relating to publication of financial statements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 424.220 of Kentucky Revised Statutes is amended to read as follows:

Excepting officers of a city of the first class, a county containing such a city, a public agency of such a city or county, or a joint agency of such a city and county, or of a school district of such a city or county, and excepting officers of a city of the sec-

ond class that is required by law to publish an annual audit of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of amounts paid to each individual as salary or commission and public utility bills need to be shown. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. *Within sixty days after the close of the fiscal year, the officer shall file a typewritten or printed copy of the settlement in the office of the county court clerk of the county wherein the principal office of the district, city or county is located. Promptly thereafter the officer shall cause to be published, in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be, notice that the statement has been filed as required, giving the file number or book and page number where same may be examined by the public. Within thirty days after publication of the notice, a copy thereof showing the name of the newspaper and date of publication shall be attached to the statement and filed with the Auditor of Public Accounts.* [The officer shall, within sixty days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county court clerk

of the county. Within thirty days after publication the officer shall file with the Auditor of Public Accounts a copy of the newspaper containing the statement.]

Section 2. Section 424.230 of Kentucky Revised Statutes is amended to read as follows:

Any officer who is subject to the provisions of KRS 424.220 may elect to prepare and *file* [publish] monthly or quarterly statements, in lieu of the annual statements required by KRS 424.220. All of the provisions of KRS 424.220 shall be applicable to such a monthly or quarterly statement except that (1) the statement shall cover only the preceding month or quarter, as the case may be, and (2) the *notice shall be published* [publication shall be made] within thirty days after the end of the month or quarter, as the case may be. Any officer who has elected to proceed under this section shall not be exempted from the requirements of KRS 424.220 for any fiscal year unless he has caused to be prepared and published, in accordance with this section, a proper statement for each month or quarter of the fiscal year.

The Committee on Cities reported **HB 208, HB 197, HB 193, HB 209** and **SB 20,** with Committee amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 208,** AN ACT relating to assessments of property for city taxation in cities of the second class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 92.420 of the Kentucky Revised Statutes is amended to read as follows:

Property subject to city taxation shall be assessed for city taxation as of the following dates:

(1) In cities of the second class, *a date fixed by the city legislative body* [July 1];

(2) In cities of the third class, a date fixed by the legislative body;

(3) In cities of the fourth class, January 1;

(4) In cities of the fifth class, January 1;

(5) In cities of the sixth class, January 1.

Section 2. Section 92.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The assessor in each city of the second class shall assess in one book all property subject to city taxation, and in making the assessment for any year shall assess any property subject to taxation that he finds to have been omitted in any former year.

(2) On or before *the assessment date fixed under KRS 92.420* [July 1] of each year the city assessor shall give notice, by publication pursuant to KRS Ch. 424 and by handbills posted throughout the city, that all persons owning real estate [on July 1] and all persons owning or having in their possession or under their control on *the assessment date fixed under KRS 92.420* [July 1] any personal property subject to city taxation shall *within sixty days* [, before September 1] appear at the assessor's office and furnish him a true and complete list of the property, with its true cash value as of *such assessment date* [July 1,] under oath, upon forms to be furnished by the assessor on application at his office, and that all merchants doing business in the city shall in like manner, in addition to listing their personal property, state the highest amount in value of all merchandise owned or kept on hand for sale by them during the three months next preceding *such assessment date* [July]. The assessor and his deputies may administer oaths, and examine any person on oath concerning his real and personal property and its value, and may examine merchants on oath as to the statements required of them. The assessor may also gather information by other means.

(3) For the purpose of assessing property for taxation, the assessor shall keep his office open, with himself or a deputy in attendance, during the hours from 8 a.m. to 6 p.m. or such other additional hours as are fixed by ordinance, *for the sixty calendar days following the assessment date* [from July 1 to September 1,] except on Sundays and legal holidays. The assessor shall constantly keep on hand, and furnish to persons lawfully re-

questing them, all necessary blanks and forms for the lists and statements required by this section.

(4) If any taxpayer is an artificial person, its chief officer or agent in the city at the time shall perform the duties imposed upon the taxpayer by this section.

(5) On and after *the sixtieth day following the assessment date* [September 1] of each year and until the date fixed by ordinance for the closing of the assessment books, it shall be the duty of the assessor personally or through deputies to see in person or to call at the residence, usual place of abode or business place of all taxpayers who have not listed their property by appearing at the assessor's office for that purpose [prior to September 1] or whose property is not well known to him, and the assessor or his deputies shall secure the assessment list by making such calls and shall view the property when practicable to do so.

(6) Any person who fails or refuses to supply the assessor or his deputies with a complete list of his property and the value thereon when called upon at his residence, usual place of abode or place of business may be subject to a fine to be fixed by ordinance but not exceeding fifty dollars.

(7) On or before *the one hundred and fiftieth calendar day following the assessment date* [December 1] of each year the assessor shall return to the auditor his assessment books, certified by him to be a full, careful and honest assessment of all property in the city subject to assessment. He shall take the auditor's receipt therefor in duplicate, and shall transmit one of the duplicates to each board of the general council at its *next* [first] regular meeting [in December]. The assessment books and reports shall remain in the auditor's office, subject to public inspection, until transmitted to the board of equalization.

Section 3. Section 92.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of equalization of each city of the second class shall meet at a suitable place provided by the city on any date during the year in which property is listed by owners for

taxation purposes, or on the *one hundred and eightieth calendar day following the assessment date fixed under KRS 92.420* [first day of January in the next suceeding year]; but not later than the last mentioned date. *Such* [If the board shall meet prior to the first Monday in January, the] meeting date shall be fixed by ordinance. After taking office and electing a chairman and a clerk the board shall notify the auditor that it is ready to receive the assessment books, and the auditor shall then deliver them and take the receipt of the board therefor.

(2) The board shall compare the real estate assessments with the plat books in the auditor's office and see that every parcel of real estate in the city has been assessed. If it finds that any real estate has been omitted, it shall certify that fact to the city solicitor, giving the number of parcels omitted, and the city solicitor shall enforce against the assessor the penalty provided for in subsection (2) of KRS 92.990. The board shall assess the parcels omitted.

(3) The board shall hear and determine all complaints made against assessments. It shall increase or decrease assessments on like property in order to make all assessment uniform, or to place a true value on the property. It may, by a resolution or order signed by at least two members, increase or decrease all assessments of real estate uniformly by adding or subtracting a percentage of the assessments, and need not give notice of such an increase except by publication pursuant to KRS Ch. 424. No increase of an assessment shall be made except a uniform increase as above provided, without notice to the person whose assessment is to be increased.

(4) Where an assessment has been made against the property of a person who had actual notice to appear and list his property or make statements thereof but failed to do so, the board of equalization shall not decrease, but may increase, the assessment.

(5) The board shall remain in session as long as the business requires, but not for more than four weeks, unless the city legislative body, for cause stated, extends the time. The assessor shall be in constant attendance on the board and shall furnish all information possible.

(6) The board shall not change any assessment by erasure, but shall make all changes and additions in appropriate columns provided for that purpose, and shall use ink of a different color from that used by the assessor.

(7) When the board has completed its work it shall prepare, under the signatures of its members a statement showing the gross assessments of real property and of personal property, and the total of both, and the increase or decrease made by the board in the total assessment. The board shall return the statement to the city auditor, with all assessment books, plats and papers received from him, and shall take his receipt therefor.

(8) The city auditor shall carefully verify the statement of the board of equalization and the assessment books, and if they are correct he shall certify the statement. If he finds a mistake, he shall cause the board of equalization to meet, and together with the board shall ascertain the correct amount. The auditor shall transmit the statement of the board, certified by him as correct, to the city legislative body as a basis for the annual levy ordinance.

(9) Any taxpayer whose assessment has been raised or whose assessment upon his complaint has not, after proper showing been decreased by the board of equalization otherwise than by the uniform increase of assessments may, within thirty days after the final adjournment of the board, appeal to the quarterly court by filing with the clerk of that court a copy of the action of the board, certified by the clerk of the board. The clerk of the board shall furnish the taxpayer, on demand, with such a certified copy of the action of the board as is necessary for the appeal. Either party may appeal from the quarterly court to the circuit court and thence to the Court of Appeals as in other civil cases. Appeals to the quarterly court or circuit court shall be tried without the intervention of a jury, and in case of appeals by the taxpayers the burden shall be upon the taxpayer to show that his property has been inequitably assessed. The cost of the appeals shall be adjudged against the unsuccessful party.

**HB 197,** AN ACT relating to police courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 26.430 is amended to read as follows:

(1) No fees, except fees for recording bonds as provided by KRS 26.560, shall be received by any officer of the police court in cities of the first class, and no costs shall be taxed against any person tried by the court.

(2) The police court in cities of the second class may assess, in addition to fine or imprisonment, any sum in its discretion, *as may be established by the city legislative body,* [not exceeding three dollars,] as costs against any defendant convicted in the court, and may enforce its payment by imprisonment in the jail or workhouse, as in the case of fines. No judgment for costs shall be rendered in favor of the city for a greater amount than the fine, unless the police judge is of the opinion that a judgment for full costs should be rendered, and so certifies on the record.

(3) In prosecutions in and appeals from the police court in cities of the third class, the city shall not be liable for costs unless they are collected in money and paid into the city treasury. The judge shall tax as costs for his services the same fees allowed to justices in penal cases.

(4) Fees and costs shall be taxed in the police court in cities of the fourth class to the same extent and in the same way as in courts having similar jurisdiction, except that in trials under city ordinances, the judge's costs shall be taxed as follows: If a jury is used, two dollars, and if a jury is not used, one dollar.

**HB 193,** AN ACT relating to cities of the sixth class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 95.800 is amended to read:

(1) The police in cities of the sixth class shall be under the direction and control of the city marshal.

(2) The marshal shall have the powers of a sheriff for the suppression of any riot, disturbance of the peace, or resistance to law or authority. His lawful orders shall be promptly executed by deputies, police and watchmen of the city, and citizens shall

lend him aid when required for the arrest of offenders and maintenance of public order.

(3) He may execute and return process issued to him by any legal authority. He shall receive the same fees as a constable for the service of process.

(4) He may, with the approval of the board of trustees, appoint deputy marshals. The only compensation of a deputy marshall shall be fees for services of process, which shall be the same as allowed to the marshal. The marshal and his sureties shall be responsible for the acts of his deputies.

(5) He may, with the approval of the board of trustees, appoint additional policemen necessary to preserve public order [who shall serve for one day only].

(6) He shall have charge of city prisoners, and of the chain gang if one is established by the board of trustees.

(7) He shall prosecute all violations of city ordinances before the police court.

(8) The marshal shall perform such other duties as the city ordinances require.

**HB 209,** AN ACT changing the classification of the City of Butler, in Pendleton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Butler, in Pendleton County, is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Butler, in Pendleton County, is transferred from the sixth to the fifth class of cities.

**SB 20,** AN ACT relating to weed and rubbish control in cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 381.770 of the Kentucky Revised Statutes is amended to read:

(1) It shall be unlawful for the owner, occupant or person having control or management of any land within a city of the first *or second* class, to permit a public nuisance, health hazard or source of filth to develop thereon through the accumulation of rubbish or the excessive growth thereon of grass or weeds.

(2) Whenever such a situation is discovered, the director of sanitation or other responsible officer designated by the city legislative body of such city of the first or *second* class shall give five days' written notice to remedy such situation. The said notice shall be mailed to the last known address of the owner of the said property as it appears on the current tax assessment roll. Upon the failure of the owner of the said property to comply, the director of sanitation or other responsible officer designated by the city legislative body of such city is authorized to send employes upon the said property to remedy the situation.

(3) The city of the first *or second* class shall have a lien against the said property for the reasonable value of labor and materials used in remedying such situation. The affidavit of the director of sanitation or other responsible officer designated by the city legislative body of said first *or second* class city shall constitute prima facie evidence of the amount of the lien and the regularity of the proceedings pursuant to this statute, and shall be recorded in the office of the county court clerk in the county where such city of the first *or second* class is located. The said lien shall be notice to all persons from the time of its recording and shall bear interest at six percent per annum thereafter until paid.

Committee Amendment to **SB 20** is as follows:

Amend printed copy of Senate Bill 20 on page __, line __, by:

inserting after the word "*second*" the words "*or third*" at the following places: page 1, line 5; page 1, line 10; page 2, line 5; page 2, line 9; page 2, line 13

The Committee on Cities reported **HB 140** and **HB 97** with the expression of opinion that the same should not pass.

The Committee on Agriculture reported **SB 110, SB 21,** and **HB 79** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 110,** AN ACT enacting and entering into the Falls of the Ohio Interstate Park Compact, to be known as the Walter S. Reickert Act.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Falls of the Ohio Interstate Park Compact is hereby enacted into law and entered into by this state with the state of Indiana, in the form substantially as follows:

FALLS OF THE OHIO INTERSTATE PARK COMPACT

Article I.

The State of Indiana and the Commonwealth of Kentucky agree to create, develop and operate an interstate park to be known as Falls of the Ohio Interstate Park, which shall be located along the Ohio River at the Falls of the Ohio and on adjacent areas in Clark and Floyd Counties, Indiana, and Jefferson County, Kentucky. Said park shall be of such area and of such character as may be determined by the commission created by this compact.

Article II.

There is hereby created The Falls of The Ohio Interstate Park Commission, which shall be a body corporate with the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the appropriate authorities of Indiana and Kentucky. The commission shall consist of three commissioners from each of the two states, each of whom shall be a citizen of the state he shall represent. Members of the commission shall be appointed by the Governor. Vacancies shall be filled by the Governor for the unexpired term. The term of one of the first commissioners appointed

shall be for two years, the term of another for three years and the term of the third for four years. Their successors shall be appointed for terms of four years each. Each commissioner shall hold office until his successor is appointed and qualified. An officer or employe of the state, a political subdivision or the United States government may be appointed a commissioner under this Act.

Article III.

The commission created herein shall be a joint corporate instrumentality of both the State of Indiana and the Commonwealth of Kentucky for the purpose of effecting the objects of this compact, and shall be deemed to be performing governmental functions of the two states in the performance of its duties hereunder. The commission shall have power to sue and be sued, to contract and be contracted with, to use a common seal and to make and adopt suitable bylaws, rules and regulations. The commission shall have the authority to acquire by gift, purchase or otherwise real estate and other property, and to dispose of such real estate and other property. Each state agrees that it will exercise the right of eminent domain to acquire property located within each state required by the commission to effectuate the purposes of this compact.

Article IV.

The commission shall select from among its members a chairman and a vice-chairman, and may select from among its members a secretary and treasurer or may designate other persons to fill these positions. It may appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants and employes as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place. A majority of the commissioners present shall constitute a quorum for the transaction of business. The commissioners shall serve without compensation, but shall be paid their expenses incurred in and incident to the performance of their duties. They shall take

the oath of office required of officers of their respective states.

Article V.

Each state agrees that the officers and departments of each will be authorized to do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact in every particular. The commission shall be entitled to the services of any state officer or agency in the same manner as any other department or agency of this state. The commission shall keep accurate records, showing in full its receipts and disbursements, and said records shall be open at any reasonable time to the inspection of such representative of the two states as may be duly constituted for that purpose. The commission shall submit annually and at other times as required such reports as may be required by the laws of each state or by the Governor thereof.

Article VI.

The cost of acquiring land and other property required in the development and operation of the Falls of the Ohio Interstate Park and constructing, maintaining and operating improvements and facilities therein and equipping same may be defrayed by funds received from appropriations, gifts, the use of money received as fees or charges for the use of said park and facilities, or by the issuance of revenue bonds, or by a combination of such sources of funds. The commission may charge for admission to said park, or make other charges deemed appropriate by it and shall have the use of funds so received for park purposes. The commission is authorized to issue revenue bonds, which shall not be obligations of either state, pursuant to procedures which shall be in substantial compliance with the provisions of laws of either or both states governing the issuance of revenue bonds by governmental agencies.

Article VII.

All money, securities and other property, real and personal, received by way of gift or otherwise or revenue received from its operations may be retained by the commission and used for

the development, maintenance and operation of the Park or for other Park purposes.

The commission shall not pledge the credit of either state except by and with the authority of the General Assembly thereof.

Article VIII.

This compact may be amended from time to time by the concurrent action of the two states parties hereto.

The compact approved herein shall become effective upon ratification and approval of the compact by the General Assembly of the State of Indiana and upon approval of this compact by the Congress of the United States.

SB 21, AN ACT providing for the control of Canada and Nodding thistles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The fiscal court of any county may, after notice and hearing, declare that a threat exists to the natural resource development and the agricultural economy of the county by reason of the growth and infestation of Canada thistles (Cirsium arvense) or Nodding thistles (Carduus Nutans) or both. The notice shall be given by publication pursuant to KRS Chapter 424. If after the hearing the fiscal court finds that thistles are a threat in its county it shall by resolution so declare and made a request to the state Department of Agriculture for assistance to eradicate thistles. A copy of the resolution shall be promptly certified and forwarded by the clerk of the court to the Commissioner of Agriculture.

Section 2. (1) Upon receipt of the resolution adopted pursuant to Section 1 of this Act, the Commissioner of Agriculture shall promptly undertake the eradication of thistles in the county for which the resolution was adopted.

(2) The commissioner shall appoint a county thistle control board consisting of three citizens of the county to serve as

advisers and to assist in the administration of this law and to perform such other duties as prescribed by the commissioner. Members of the county thistle control board shall receive no salary but shall be reimbursed by the fiscal court for necessary expenses incurred in performance of their duties.

(3) The Commissioner of Agriculture, in any county declared a thistle eradication area under Section 1 of this Act may enter upon any lands for the purpose of inspecting same and to insure compliance with this Act. He may enter into cooperative agreements with state and federal agencies and departments for the furtherance of the control and eradication of thistles. He shall make all rules and regulations necessary to carry out the provisions of this Act.

(4) The commissioner may give the notice prescribed by KRS 249.190 to any landowner and if the landowner fails to comply with that section he shall enter upon the land and cut, spray or take such other measures as he deems proper to eradicate the thistles. Notice to a landowner who does not reside in the county or who is unknown shall be given by posting of the notice on the land and at the front door of the court house in the county. The commissioner may recover from the landowner the compensation fixed by KRS 249.190, for such eradication work. Any action for the recovery of such compensation shall be brought in the county in which the land is located and shall be governed by the Rules of Civil Procedure.

Section 3. The fiscal court of county declared a thistle eradication area under section 1 of this Act may by resolution declare that the threat to natural resources and agricultural economy in the county has ceased to exist and upon the adoption of the resolution a copy thereof shall be delivered to the Commissioner of Agriculture. Upon receipt of a copy of the resolution, all work on eradication of thistles in the county under the direction of the Commissioner shall be discontinued.

Section 4. The existence of growth of Canada or Nodding thistles in any county declared to be a thistle eradication area is declared to be a public nuisance and the Commissioner of Agriculture may bring an appropriate action in such county to

enjoin such nuisance. At the request of the commissioner the county attorney shall prosecute such action.

Section 5. In the administration of this Act the commissioner may employ such persons and delegate to them such powers as are necessary to carry out the purposes of this Act.

Section 6. Neither the Commissioner of Agriculture nor any agent or other person acting under his direction shall be liable for any damages or injury to property or crops resulting from the administration or enforcement of this Act unless the damage is caused by failure to exercise ordinary care to avoid or prevent the damage or injury.

Section 7. All public utilities, the state highway department, the county court, railroads, drainage districts, school districts, road districts and other public and quasi-public corporations and every landowner in thistle eradication areas shall:

(1) Control and eradicate Canada and Nodding thistles and prevent their regrowth and reinfestation on all lands, rights of way and easements owned, occupied or controlled by them;

(2) Employ methods of control and eradication and for the prevention of the regrowth and reinfestation of such thistles as directed by the Commissioner of Agriculture or the county thistle control board;

(3) Comply with all orders, rules and regulations promulgated by the Commissioner of Agriculture pursuant to this Act.

Section 8. KRS 249.190 is amended to read:

If any person who holds land on which Canada or Nodding thistles are growing and likely to ripen seed, neglects or refuses to cut and destroy them, any person who considers himself aggrieved or about to be injured by the neglect or refusal, *or the Commissioner of Agriculture pursuant to section 2 of this Act,* shall give five days' notice in writing to the person who holds the land, to cut and destroy the Canada or Nodding thistles. On the neglect or refusal of the person who holds the land to cut and destroy them at the end of five days, any person aggrieved,

or believing himself about to be injured, *or the Commissioner of Agriculture* may enter upon or hire other persons to enter upon the land and cut down and destroy the Canada or Nodding thistles. The persons so employed may recover from the person who holds the land, compensation at the rate of *fifteen* [five] dollars per day.

Section 9. (1) Any person who interferes with or attempts to prevent the Commissioner of Agriculture from exercising any of his powers under this Act shall be punished by a fine of not more than $1000 or by imprisonment for not more than six months.

(2) Any person who violates any regulation prescribed by the commissioner under this Act shall be fined not more than five hundred dollars or imprisoned not more than six months or both so fined and imprisoned.

Section 10. There is appropriated out of the General Fund in the State Treasury to the Department of Agriculture for the purpose of administering this Act during the biennium ending June 30, 1968, the sum of $5000.00 and for the biennium beginning July 1, 1968 and ending June 30, 1970, the sum of $20,000.00.

Section 11. Whereas in some counties the existence and growth of Canada and Nodding thistles is a real and dangerous threat to the agricultural economy, an emergency is declared to exist, and this Act shall be in effect from and after its passage and approval by the Governor.

**HB 79,** AN ACT providing for the control of Canada and Nodding thistles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The fiscal court of any county may, after notice and hearing, declare that a threat exists to the natural resource development and the agricultural economy of the county by reason of the growth and infestation of Canada thistles (Cirsium arvense) or Nodding thistles (Carduus Nutans) or both. The

notice shall be given by publication pursuant to KRS Chapter 424. If after the hearing the fiscal court finds that thistles are a threat in its county it shall by resolution so declare and make a request to the state Department of Agriculture for assistance to eradicate thistles. A copy of the resolution shall be promptly certified and forwarded by the clerk of the court to the Commissioner of Agriculture.

Section 2. (1) Upon receipt of the resolution adopted pursuant to Section 1 of this Act, the Commissioner of Agriculture shall promptly undertake the eradication of thistles in the county for which the resolution was adopted.

(2) The commissioner shall appoint a county thistle control board consisting of three citizens of the county to serve as advisers and to assist in the administration of this law and to perform such other duties as prescribed by the commissioner. Members of the county thistle control board shall receive no salary but shall be reimbursed by the fiscal court for necessary expenses incurred in performance of their duties.

(3) The Commissioner of Agriculture, in any county declared a thistle eradication area under Section 1 of this Act may enter upon any lands for the purpose of inspecting same and to insure compliance with this Act. He may enter into cooperative agreements with state and federal agencies and departments for the furtherance of the control and eradication of thistles. He shall make all rules and regulations necessary to carry out the provisions of this Act.

(4) The commissioner may give the notice prescribed by KRS 249.190 to any landowner and if the landowner fails to comply with that section he shall enter upon the land and cut, spray or take such other measures as he deems proper to eradicate the thistles. Notice to a landowner who does not reside in the county or who is unknown shall be given by posting of the notice on the land and at the front door of the court house in the county. The commissioner may recover from the landowner the compensation fixed by KRS 249.190, for such eradication work. Any action for the recovery of such compensation shall

be brought in the county in which the land is located and shall be governed by the Rules of Civil Procedure.

Section 3. The fiscal court of county declared a thistle eradication area under Section 1 of this Act may by resolution declare that the threat to natural resources and agricultural economy in the county has ceased to exist and upon the adoption of the resolution a copy thereof shall be delivered to the Commissioner of Agriculture. Upon receipt of a copy of the resolution, all work on eradication of thistles in the county under the direction of the Commissioner shall be discontinued.

Section 4. The existence or growth of Canada or Nodding thistles in any county declared to be a thistle eradication area is declared to be a public nuisance and the Commissioner of Agriculture may bring an appropriate action in such county to enjoin such nuisance. At the request of the commissioner the county attorney shall prosecute such action. A reasonable attorney's fee to be fixed by the trial court shall be allowed the attorney for the commissioner against the owner or other person permitting the existence of the nuisance.

Section 5. In the administration of this Act the commissioner may employ such persons and delegate to them such powers as are necessary to carry out the purposes of this Act.

Section 6. Neither the Commissioner of Agriculture nor any agent or other person acting under this direction shall be liable for any damages or injury to property or crops resulting from the administration or enforcement of this Act unless the damage is caused by failure to exercise ordinary care to avoid or prevent the damage or injury.

Section 7. All public utilities, the state highway department, the county court, railroads, drainage districts, school districts, road districts and other public and quasi-public corporations and every landowner in thistle eradication areas shall:

(1) Control and eradicate Canada and Nodding thistles and prevent their regrowth and reinfestation on all lands, rights of way and easements owned, occupied or controlled by them;

(2) Employ methods of control and eradication and for the prevention of the regrowth and reinfestation of such thistles as directed by the Commissioner of Agriculture or the county thistle control board;

(3) Comply with all orders, rules and regulations promulgated by the Commissioner of Agriculture pursuant to this Act.

Section 8. KRS 249.190 is amended to read:

If any person who holds land on which Canada or Nodding thistles are growing and likely to ripen seed, neglects or refuses to cut and destroy them, any person who considers himself aggrieved or about to be injured by the neglect or refusal, *or the Commissioner of Agriculture pursuant to Section 2 of this Act,* shall give five days' notice in writing to the person who holds the land, to cut and destroy the Canada or Nodding thistles. On the neglect or refusal of the person who holds the land to cut and destroy them at the end of five days, any person aggrieved, or believing himself about to be injured, *or the Commissioner of Agriculture* may enter upon or hire other persons to enter upon the land and cut down and destroy the Canada or Nodding thistles. The persons so employed may recover from the person who holds the land, compensation at the rate of *fifteen* [five] dollars per day.

Section 9. (1) Any person who interferes with or attempts to prevent the Commissioner of Agriculture from exercising any of his powers under this Act shall be punished by a fine of not more than $1000 or by imprisonment for not more than six months.

(2) Any person who violates any regulation prescribed by the commissioner under this Act shall be fined not more than five hundred dollars or imprisoned not more than six months or both so fined and imprisoned.

Section 10. There is appropriated out of the General Fund in the State Treasury to the Department of Agriculture for the purpose of administering this Act during the biennium ending June 30, 1968, the sum of $5000.00 and for the biennium be-

ginning July 1, 1968 and ending June 30, 1970, the sum of $20,000.00.

Section 11. Whereas in some counties the existence and growth of Canada and Nodding thistles is a real and dangerous threat to the agricultural economy, an emergency is declared to exist, and this Act shall be in effect from and after its passage and approval by the Governor.

Committee Amendment to **HB 79** is as follows:

Amend printed copy of House Bill 79 on page 3, lines 16 through 19, by:

deleting after the word "action." the following:

A reasonable attorney's fee to be fixed by the trial court shall be allowed the attorney for the commissioner against the owner or other person permitting the existing of the nuisance.

The Committee on Business Organizations and Professions reported **HB 233** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 233,** AN ACT relating to minors purchasing alcoholic beverages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act: "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in etsablishments, the entire lot upon which the business establishment is situated.

Section 2. No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

Section 3. No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in

purchasing or having delivered or served to him or her any alcoholic beverages.

Section 4. No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee, or other employe of any licensee, to sell or serve any alcoholic beverage to such person.

Section 5. Every retail licensee shall display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or larger type, substantially as follows:

Persons under the age of 21 are subject to a fine up to one hundred dollars if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.

2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.

3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

Section 6. Any person, firm or corporation violating any provision of this Act shall be fined not less than ten dollars nor more than a hundred dollars and each violation shall constitute a separate offense.

The Committee on Education reported **HB 190, HB 232, HB 204, HB 123** with Committee Amendment attached thereto, **HB 18** and **HB 117** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 190,** AN ACT relating to leaves of absence for teachers and superintendents.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 161.770 is amended to read:

Upon written request of a teacher or superintendent, a

board of education may grant a leave of absence for a period of not more than two consecutive school years for educational or professional purposes *or to engage in Federal or State Employment or in employment by a professional educational organization,* and shall grant such leave where illness, maternity or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. Without request, a board of education may grant similar leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing on such unrequested leave of absence or its renewal in accordance with the provisions for hearing an appeal in KRS 161.790. Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status which he held prior to such leave.

**HB 232,** AN ACT relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Boards of education shall require a member of the school faculty or a member of the administrative staff to accompany students on all school sponsored or school endorsed trips.

**HB 204,** AN ACT relating to retired teachers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 161.605 is amended to read as follows:

Retired teachers may do substitute teaching in the public schools for the equivalent of *eighty* [sixty] days in any one school year and receive compensation for same without reduction in retirement annuities. The board of trustees by regulation may establish fractional equivalents of a day of teaching service.

**HB 123,** AN ACT relating to the Teachers' Retirement System of the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 161.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Retirement system" means the arrangement provided for in KRS 161.230 to 161.710 for payment of allowances to teachers.

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of service.

(3) "Disability allowance" means the amount annually payable to a member retired by reason of disability.

(4) "Teacher" means:

(a) Any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools, *or in programs of adult education conducted by legally constituted local boards of education,* for whom certification is required as a condition of employment;

(b) All members of the instructional and administrative staffs of Eastern Kentucky *University* [State College], Kentucky State College, Morehead State *University* [College], Murray State *University* [College], Western Kentucky *University* [State College], Kentucky School for the Blind, Kentucky School for the Deaf, and the State and area vocational schools who are *regular, full-time employees* [regularly employed by] of a board of education, board of regents or similar body *in a position requiring certification or a professional level of training as a condition of employment.*

(c) The Superintendent of Public Instruction, assistant superintendents, and the division heads [and other professional]. Staff members of the State Department of Education *employed in positions for which certification by the certification agency of the Department is required as a condition of employment;*

(d) Any member of a local retirement system who became a member of the state teachers' retirement system according to the provisions of Acts, 1938, 1st ex.s., c. 1, paragraph 49;

(e) Such members of the administrative staff of the teachers' retirement system of the State of Kentucky as the board of trustees may designate by regulation; and

(f) All members of the instructional and administrative staffs of any existing or later established public junior college not under control of the Board of Trustees of the University of Kentucky.

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by Acts, 1938, 1st ex.s., c. 1, on the date of the inauguration of the system or within one year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of such system until he, with the membership of the local retirement system, became a member of the state teachers' retirement system or who becomes a member under the provisions of KRS 161.470(4).

(6) "New teacher" means any teacher not a present teacher.

(7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty years' prior service shall be allowed or credited to any teacher.

(8) "Subsequent service" means the number of years during which the teacher is a member of the teachers' retirement system after July 1, 1941.

(9) "Annual salary" means the average annual salary which the member has received for his service as a teacher in the public schools of Kentucky for five years or for as many years, if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars. Any salary subsequent to July 1, 1941, for service in a covered position in Kentucky on which the member has made contributions shall be the actual arithmetic average salary for the five highest years.

(10) "Annual compensation" means the contractual salary and additions thereto received by a member as compensation for services as a teacher in the public schools of Kentucky during a fiscal year before any deductions.

(11) "Age of retirement" means the age attained as of July 1 preceding the date of retirement.

(12) "Age of entrance" means the age attained at the last birthday of any member at the time of the establishment of the retirement system, if the member was a teacher subject to membership in the system at that time. Otherwise it means the age attained at the last birthday of any member at the time he first becomes a member of the retirement system. Any birthday occurring on February 29 shall be considered as occurring on February 28.

(13) "Regular interest" means interest at three percent per annum.

(14) "Accumulated contributions" means the contributions of a member to the teacher's savings fund for retirement annuity *plus accrued regular interest.*

(15) "Annuitant" means a person who receives a retirement allowance or a disability allowance.

(16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky.

(17) "Fiscal year" means the twelve-month period from July 1 to June 30.

(18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section.

(19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half of the support from the member for maintenance, including board, lodging, medical care and like costs.

(20) "Last earned annual compensation" means the gross compensation before any deduction earned by the member for

the last full payroll period, multiplied by the number of payroll periods in the member's contract year.

*(21) "Active contributing members" means a member currently making contributions to the teachers' retirement system or who made such contributions in the next preceding fiscal year.*

Section 2. Section 161.320 of the Kentucky Revised Statutes is amended to read as follows:

The board of trustees shall keep a record of all its proceeding which shall be open to public inspection. It shall publish on or before January 1 of each year a report giving an account of the operation of the system, showing the fiscal transactions of the system for the preceding year and the amount of the accumulated cash and securities of the system, and containing the last balance sheet showing the financial condition of the system [by means of an actuarial valuation of its assets and liabilities].

Section 3. Section 161.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of trustees shall be the trustee of the funds of the retirement system and shall have full power and responsibility for the purchase, sale, exchange, transfer or other disposition of the investments and moneys of the retirement system. The board may appoint an investment committee consisting of the executive secretary and two trustees to act for the board in all matters of investment, subject to the approval of the board of trustees. The board of trustees in keeping with their responsibilities as trustees and wherever feasible shall be given priority to the investment of funds in obligations calculated to improve the industrial development and enhance the economic welfare of the Commonwealth. No investment shall be made of the funds except in the following:

(a) Bonds, notes and other obligations of or guaranteed by the United States, or those for which the credit of the United States is pledged for the payment of the principal and interest thereof, and any bonds, notes, debentures, or any other obligations or securities issued or guaranteed by any federal government agency, presently or in the future established by an Act of Con-

gress, and as amended or supplemented from time to time:

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments and agencies, including revenue bonds;

(c) Obligations of any city of the first, second, third, fourth, or fifth classes of the Commonwealth of Kentucky, or county containing such city, for the payment of principal and interest on which the full faith and credit of the issuing body is pledged.

(d) School improvement bonds issued in accordance with authority granted under KRS 162.080 to and including 162.100;

(e) School building revenue bonds issued in accordance with authority granted under KRS 162.120 to and including KRS 162.300, and any act or acts passed in the 1960 session of the General Assembly providing for the issuance of school building revenue bonds, provided the issuance of such bonds is approved by the State Board of Education;

(f) Revenue bonds issued by educational institutions of the Commonwealth of Kentucky as authorized by KRS 162.340 to and including KRS 162.380;

(g) Public utility revenue bonds issued by any city of the first, second, third, fourth or fifth classes, or by a county containing such a city, or by a special taxing district located within such city or county in the Commonwealth, provided: 1. the net income from such public utility property available for the payment of such securities for the five fiscal years next preceeding any such investment, shall have averaged at least 1 1/10 times all debt service requirements for principal, interest and sinking fund of all revenue securities payable only out of the revenues from such property during each of such fiscal years, and 2. the issuer of the securities covenants and is obligated to maintain rates to produce revenues or will receive contract payments, either or both of which will be sufficient to meet costs of operation, taxes and all debt service requirements and such obligation or contract is legally enforceable;

(h) Obligations, consisting of notes, bonds, debentures, equipment trust certificates, or conditional sales agreements on

Class 1 Railroads as defined by the Interstate Commerce Commission issued under an indenture, which are the direct obligation or in the case of equipment trust certificates and conditional sales agreements, are secured by direct obligation, of a corporation organized under the laws of the United States or any state in the United States or the District of Columbia, when such bonds are rated at time of purchase within the three highest classifications established by one or more major rating services;

(i) Deposits in banks or trust companies in the Commonwealth of Kentucky organized under the laws of this state, or of the United States, when such deposits are interest bearing at a rate not lower than two percent per annum and when such deposits are fully secured by direct obligations of the United States Government or of the Commonwealth of Kentucky, placed in the hands of the state treasurer and approved by the board of trustees.

(j) Stocks, preferred or common, issued or guaranteed by a corporation created or existing under the laws of the United States or any state thereof [subject to the statutory restrictions governing investments by insurance companies incorporated in Kentucky].

(k) Mutual-type funds established and controlled by any organization which may be formed by the Kentucky teachers' retirement system and other state retirement systems of Kentucky and other southern states for the mutual investment of funds in Kentucky or the southern regional area;

(l) Productive real estate;

(m) Industrial revenue bonds issued under authority of KRS 103.200 to 103.280; provided, however, the lease for the building between the city and the leasing corporation is for a period equal to or greater than the period for which the bonds are issued and the rental payments are sufficient to amortize all the bonds issued, and further provided that:

1. The Common stock of the leasing corporation shall be listed on either the New York Stock Exchange or the American Stock Exchange.

2. In each of the last three reporting years prior to the issuance of the bonds the income before taxes of the leasing corporation must have been equal to at least twice the maximum lease requirements under the lease agreement.

3. The current assets of the leasing corporation at the end of each of the three last reporting years prior to the issuance of the bonds must have been at least 150 percent of the current liabilities at those given periods.

4. The net worth of the leasing corporation at the end of the last reporting period must be at least twice the amount of the proposed bond issue under the lease agreement.

5. The net working capital of the leasing corporation at the end of the most recent reporting year must have been at least fifteen million dollars.

(n) Obligations of the Kentucky Industrial Development Authority.

(2) (a) Not more than twenty-five percent of any one issue may be purchased by the board of trustees as an investment, and not more than five percent of the invested funds of the retirement system may be invested in the obligations of any issuer except in the case of obligations of the United States Government; provided that not more than ten percent of the invested funds may be invested in an issue of the Commonwealth of Kentucky or its departments or agencies as defined in this subsection. For the purpose of this subsection revenue bond obligations of the Commonwealth of Kentucky or its departments or agencies shall not be deemed to be obligations of the same obliger if the revenues pledged are derived from separate projects. No investment may be made in the obligation of any issuer which has been in default of any of its bonds or interest during a period of the last ten years immediately preceding the purchase.

(b) No more than sixty percent of the assets of the retirement system may be invested in the foregoing classification subsection (1) (h); no more than twenty percent of said assets may be invested in the foregoing classification subsection (1) (b); no more than twenty-five percent of said assets may be invested in any one of the foregoing classifications subsections (1) (c),

(1) (d), (1) (e), (1) (f) [and] (1) (g) *and (1) (j)*; and no more than ten percent of said assets may be invested in any one of the foregoing classifications subsection (1) (i), [(1) (j)] and (1) (k); and no more than six percent of said assets may be invested in the foregoing classification subsections (1) (l) and (1) (n).

(3) No investment or disbursement of funds shall be made unless authorized by resolution adopted by the board of trustees.

Section 4. Section 161.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The membership of the retirement system shall consist of all new teachers and all present teachers except as provided in Acts, 1938, 1st ex.s., c. 1, paragraph 29. *No person without previous Kentucky service who was age sixty-five or older on July 1, next preceding employment may become a member of the teachers' retirement system.*

(2) Service credit shall be forfeited upon withdrawal. If a teacher again enters service it shall be as a new teacher, except that any teacher who withdraws by claiming his deposits may, before he is absent from service three school years, repay the system the amount withdrawn plus regular interest and re-establish his service credit.

*(3)* Effective July 1, 1960, and thereafter, *an active contribution* [a] member [or former member] of the retirement system with at least three years of contributing service subsequent to the withdrawal of contributions and cancellation of service credit may regain such credit by depositing in the teachers' savings fund the amount withdrawn with interest at the rate of three percent per annum compounded annually computed from the first of the month of withdrawal and including the month of redeposit and by depositing in the state accumulation fund an additional sum equal to fifty percent of this amount. The payment to the state accumulation fund, shall, in the event of death of the member prior to retirement, be refunded to the estate or assigns of the teacher unless the assigns qualify for benefits provided in KRS 161.520 or 161.525.

*(4)* [(3)] Effective July 1, 1960, any *active contributing member with at least three years of service credit* [teacher] who declined membership as provided in Acts, 1938, 1st ex.s., c.1, paragraph 29, [and who has since entered as a "new" teacher] may secure service credit for prior service, and for any subsequent service prior to date of membership, by depositing in the teachers' savings fund contributions for each year of subsequent service prior to date of membership, with interest at the rate of three percent compounded annually to the date of deposit. The teacher shall also deposit an additional sum equal to fifty percent of this amount in the state accumulation fund. In the event of the death of the member prior to retirement, the payment to the state accumulation fund shall be refunded to the estate or assigns of the teacher unless the assigns qualify for benefits provided in KRS 161.520 or 161.525.

[(4) Effective July 1, 1960, any teacher who declined membership as provided in Acts, 1938, 1st ex.s., c.9, paragraph 29, may become a member and receive credit for prior and subsequent service by making proper contribution for the year 1940-41 and for each year thereafter, together with interest at the rate of three percent per annum compounded annually. The teacher shall deposit an additional sum equal to fifty percent of this amount in the state accumulation fund. In the event of the member's death prior to retirement, the contributions to the state accumulation fund shall be refunded to the estate or assigns of the teacher unless the assigns qualify for benefits provided in KRS 161.520 or 161.525.]

(5) No person shall take advantage of the provisions of subsection [(2)] (3) and (4) above more than once.

(6) Membership in the retirement system shall be terminated:

(a) by retirement for service;

(b) by death;

(c) by withdrawal;

(d) when a teacher who is absent from service withdraws his deposits in the fund; or

(e) when a teacher is absent from service six consecutive years, provided, however that a member who has completed *five*

[ten] years may elect to leave his deposits with the system and retire as set forth in KRS 161.600, paragraph 1.

(7) In case of withdrawal from service prior to eligibility for retirement, the board of trustees shall return to the teacher all of his accumulated contributions, but the teacher shall have no claim on any contributions made by the state with a view to his retirement or to any contributions made to the hospital and medical insurance fund, or the survivors and death benefit fund. If the member is eligible for *an immediate service* [a] retirement allowance *as* provided in KRS 161.600 no withdrawal and refund shall be permitted, but in lieu thereof the teacher shall be entitled to *a* [the] retirement allowance [provided by the retirement system].

(8) Except as provided in KRS 161.520 in case of death prior to retirement the board of trustees shall pay to the estate of the deceased member or to his assigns all of his accumulated contributions, with regular interest, but the estate or assigns shall have no claim on any contributions made by the state with a view to the retirement of the teacher or to any contributions made to the hospital and medical insurance fund or the survivors and death benefit fund.

Section 5. Section 161.507 of the Kentucky Revised Statutes is amended to read as follows:

*An active contributing member of the teachers' retirement system may receive credit for active service rendered in the Armed Forces of the United States subject to rules and regulations established by the board of trustees. Such service may be credited only if discharge was other than dishonorable. Service shall be considered as Kentucky teaching service but may not be used for meeting the service requirements set forth in Sections 161.470(6)(e), 161.600(1) or 161.661(1). A maximum of six years of such service may be credited but in no case a greater number of years than the actual years of active teaching service in Kentucky.*

[(1) Any member who is drafted or enlists in the Armed Forces of the United States may, currently or at any time subsequent to return to employment in a position covered by the

teachers' retirement system of the State of Kentucky, make contributions to the retirement system for each year of military service, subject to rules and regulations established by the board of trustees. Contributions shall be made on the basis of the last salary earned prior to entrance into military service.]

[(2) Any person, other than a member, who is drafted or enlists in the Armed Forces of the United States and who enters employment covered by the teachers' retirement system of the State of Kentucky within eighteen months following other than dishonorable discharge or separation from active military service shall be eligible to make contributions and receive credit for each year of military service. Contributions shall be made on the basis of the salary earned during the first employment in a covered position. Any person, other than a member, who enters college or resumes college training within twelve months following other than dishonorable discharge or separation from active military service and who subsequently enters employment covered by the teachers' retirement system of the State of Kentucky within eighteen months following completion of college training may make contributions and receive military service credit as set forth in this subsection.]

[(3) All military service credit granted under the provisions of this section shall be considered as Kentucky teaching service. No person may receive credit for a greater number of years of military service than that required of him by Act of Congress or the Executive Order of the President of the United States.]

Section 6. Section 161.520 of the Kentucky Revised Statutes is amended to read as follows:

Upon the death of *an active contributing* [a] member [who has had subsequent service for at least three years and who was in contributing service during the fiscal year immediately prior to his death or prior to the beginning of his last illness] or upon the death of a teacher retired for disability, the board of trustees shall pay to the estate or assigns of the deceased teacher a refund of his accumulated contributions; provided, however, the survivors of the deceased teacher in the following named order, may elect to receive in lieu of the accumulated contributions a survivors benefit payable as follows:

(1) Where the survivor is a widow, or a dependent widower, and the survivor's marriage to the deceased teacher took place at least one year prior to the teacher's death, the benefit shall be one hundred dollars per month.

(2) Where the survivor is an unmarried child under age eighteen, the benefit shall be one hundred dollars per month in the case of one such child, one hundred and sixty dollars per month in the case of two such children, one hundred and eighty-five dollars per month in the case of three such children, and one hundred and ninety-five dollars per month in the case of four or more such children.

(3) Where the survivor is a child age eighteen or older whose mental or physical condition is sufficient to cause his dependency on the deceased member at the time of the member's death, the benefit shall be one hundred and twenty-five dollars per month, payable for the life of such child or until such time as the mental or physical condition creating the dependency no longer exists. Benefits under this section and subsection (1) shall apply to legally adopted survivors provided the proceedings for the adoption were initiated at least one year prior to the death of the member. Benefits under this subsection and subsection (1) shall apply notwithstanding an eligible widow or dependent widower survives the deceased member.

(4) Where the sole eligible survivors are dependent parents aged sixty-five or over, the benefit shall be one hundred dollars per month for one parent or one hundred and forty dollars per month for two parents. Dependency of a parent shall be established as of the date of the death of the member.

(5) Where the sole eligible survivor is a dependent brother or sister, the benefit shall be one hundred dollars per month. In order to qualify the brother or sister must have been a resident of the deceased member's household for at least one full year prior to the member's death or must have been receiving care in a hospital, nursing home or other institution at the member's expense for a like period.

(6) The benefit to a child as defined in paragraph (2) of this section shall terminate upon the attainment of age eighteen

or upon marriage. The benefit to a widow, dependent widower, dependent parent or dependent brother or sister or dependent child age eighteen or older shall terminate upon marriage, or upon termination of the condition creating the dependency. The benefit shall not be paid during the time the survivor, other than a child, is receiving an annuity, pension or allowance in excess of one hundred dollars per month from a retirement or pension system in the state of Kentucky financed in whole or part by public contributions, excluding Old Age and Survivors Insurance, or has income from all sources of *$3,600* [$2,400] per year not including any benefit payable under the terms of KRS 161.220 to 161.710. If income from all sources exceeds *$3,600* [$2,400] per year, one dollar shall be subtracted from the benefit for each dollar of total income exceeding *$3,600* [$2,400] per year.

(7) The board of trustees shall be the sole judge of eligibility or dependency of any beneficiary, and may require formal application or information relating thereto, including proof of annual income satisfactory to the board. The board of trustees may subpoena records and individuals wherever it deems such action necessary.

(8) No payments of benefits shall be made unless the board of trustees shall have authorized such payments. The board shall formulate and adopt necessary rules and regulations for the administration of the foregoing provisions and in every case the decision of the board of trustees shall be final as to eligibility, dependency or disability, and the amounts of benefit payable.

Section 7. Section 161.525 of the Kentucky Revised Statutes is amended to read as follows:

Upon death of a member in active contributing service at the time of death, who was eligible to retire by reason of service, the spouse or legal dependent of said member, if named as beneficiary, shall be entitled to elect, in lieu of a refund of the member's account or benefit provided in subsection (1) of KRS 161.520, an annuity actuarially equivalent at the attained age of the beneficiary to the annuity that would have been paid to the deceased member had he been retired on the day immediately preceding his death. In exercising this right the spouse or legal

dependent shall be limited to selecting an option providing either a straight life with refundable balance or ten years certain payment. *In no case shall the initial benefit payable exceed three-fourths of the annual salary of the member.* Nothing in this section shall prevent a spouse from receiving the annuity provided herein at the same time as minor children are qualifying for survivors benefits under the provision of KRS 161.520.

Section 8. Section 161.545 of the Kentucky Revised Statutes is amended to read as follows:

Teachers may not make contributions and receive service credit for substitute, *part time or any service other than regular full time* teaching [or other irregular service] except as provided in the rules and regulations of the board of trustees. Teachers placed on leave of absence may not make contribution and receive service credit for such leave except as provided in rules and regulations of the board of trustees.

Section 9. Section 161.600 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member who has attained the age of sixty years and who has completed *five* [ten] years of service as a teacher in Kentucky [five of which are] subsequent to July 1, 1941, [with at least one year subsequent to July 1, 1959] may retire upon written application to the board of trustees of the teachers' retirement system. Any member shall be automatically retired as of July 1 following the end of the fiscal year in which he attains the age of seventy *providing however that a person reaching age seventy and having fewer than five years of Kentucky service shall receive a refund of his accumulated contributions as provided in Section 161.470, paragraph (7) in lieu of a retirement annuity.*

(2) Any member of the retirement system with thirty years of creditable service in Kentucky may apply for and receive an annuity. At least five years of such service must be subsequent to July 1, 1941.

(3) Any person who has been a teacher in Kentucky for thirty years or more and who withdraws from teaching after

July 1, 1941, and before reaching the age of sixty-five years may refuse to withdraw his deposits and continue to pay into the fund each year until the end of the fiscal year in which he reaches the age of sixty-five years the same amount that he was required to contribute during his last full year as a teacher. If he so elects he shall at *any time* [the end of the fiscal year in which he attains the age of sixty-five years and thereafter] be entitle to receive *a* [the same] retirement allowance as *provided in KRS 161.620* [a teacher who retires at the age of sixty-five years].

Section 10. Section 161.607 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Any member of the teachers' retirement system who enters employment covered by *the Kentucky Employes Retirement System, the State Police Retirement System, or the County Employes Retirement System* [another retirement system financed in whole or part with public funds] may retain membership in the teachers' retirement system instead of joining the new system. *Any person who was a member of the teachers' retirement system at the time such employment began may elect to exercise this option now notwithstanding the fact that such exercise may not have been possible at the time of employment.*

*(2) Any member of the teachers' retirement system entering employment as described in paragraph (1) above after July 1, 1968, must exercise the option within 180 days of the beginning of such employment.*

*(3)* Persons who enter service covered by the teachers' retirement system and who hold membership in a Kentucky retirement system financed in whole or part with public funds may retain membership in that system providing the statutes and regulations governing said system make continued membership possible.

Section 11. Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The retirement allowance of a member retiring for service July 1, 1966, or thereafter whose age at retirement is

sixty years or more shall be *the sum of (1) the prior service years multiplied by forty dollars and (2) two percent of the annual salary in Kentucky multiplied by the number of years of service credit* [determined by multiplying the prior service years by forty dollars, plus two percent of his annual salary in Kentucky for the years] after July 1, 1941. The retirement allowance of a member whose age at retirement is less than sixty shall be reduced at the rate of five percent for each year that the member is less than sixty. Actuarial factors in use by the retirement system for all purposes shall be determined by the actuary of the retirement system and approved by the board of trustees.

(2) The retirement allowance of a member whose age as of July 1, 1966, is sixty-five or older shall be the larger as computed by the two methods hereinafter described: (1) applying the procedures as set forth in paragraph (1) of this section or; (2) one percent of his average annual salary for prior service for each year of prior service credit plus one and three-fourths percent of his annual salary for *each* [the] year after July 1, 1941, increased in accordance with the actuarial equivalents in use by the teachers' retirement system as of July 1, 1965.

(3) The retirement allowance of all teachers retired prior to July 1, 1964, shall be increased by: (1) the amount of ten percent or; (2) multiplying the total number of years of service by forty-five dollars whichever is greater. Effective July 1, 1967, and annually on July 1 thereafter the annual retirement allowance of each retired teacher shall be increased in the amount of one percent of the retirement allowance in effect on July 1, 1967, or the date of retirement whichever occurs later.

(4) For any member retiring on or after July 1, 1955, no retirement allowance *at time of retirement* shall be greater than three-fourths' of the annual salary unless such allowance shall result from the application of a statutory minimum.

(5) Any teacher qualifying for retirement shall be entitled to receive an annual allowance amounting to not less than forty-five dollars multiplied by the service credit years of the teacher, *except that no retired teacher shall receive a monthly benefit of less than fifty dollars.*

(6) The minimum provided in this section shall apply in the case of teachers retired or retiring under an option in the same proportion to the benefits of the teacher and his beneficiary or beneficiaries.

Section 12. Section 161.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the death of a retired teacher who at the time of death is receiving a retirement or disability allowance, or upon the death of an *active contributing* member [who was in contributing service during the fiscal year immediately preceding his death] a death benefit of one thousand dollars shall be paid to his estate following application to the board of trustees, together with acceptable evidence of death and eligibility.

(2) Suit or civil action shall not be required for the collection of the death benefit provided herein, but nothing in this section shall prevent the maintenance of suit or civil action against the beneficiary or legal representative receiving the death benefit.

Section 13. Section 161.661 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who has completed ten or more years of accredited service in the public schools of Kentucky *after July 1, 1941,* one full year of which immediately preceded retirement may retire for disability and shall be granted a disability allowance. The disability must have occurred subsequent to the most recent period of employment in a position covered by the teachers' retirement system and subsequent to the completion of ten years of teaching service in Kentucky. The annual allowance shall be equal to one-half of the last earned annual compensation.

(2) No member who has reached the age of sixty years and who is otherwise qualified for retirement may retire by reason of disability.

(3) Members shall earn one year of entitlement to disability retirement for each four years of service in a covered position but any member meeting the service requirement for

disability retirement shall be credited with no less than five years of such eligibility.

(4) A member retired by reason of disability shall continue to earn service credit at the rate of one year for each year so retired.

(5) Any member retired by reason of disability and remaining disabled at the expiration of the eligibility period shall be entitled to retire for service. The retirement allowance shall be calculated as set forth in KRS 161.620 except that those persons less than sixty years of age shall be considered as sixty.

(6) In order to qualify for retirement by reason of disability a teacher must suffer from a physical or mental condition of such a nature as to render him incapable of being gainfully employed as a teacher. Such incapability must be revealed by a competent examination by a licensed physician or physicians and must be approved by the medical review board.

(7) A member retired by reason of disability shall be required to undergo periodic examination at the discretion of the board of trustees to determine whether the disability allowance shall be continued. When examination and recommendation of the medical review board indicates the disability no longer exists, the allowance shall be discontinued.

(8) No payment of a disability benefit shall be made until ninety days after the application for disability retirement has been filed.

(9) No person who receives a disability allowance may serve as a teacher either within or without the state of Kentucky. So doing shall constitute a misdemeanor. The recipient of a disability allowance who engages in any gainful occupation other than teaching must make a report of the duties involved, compensation received, and any other pertinent information required by the board of trustees. If the income from other employment plus the disability benefit exceeds seventy-five percent of the last earned annual compensation, the benefit shall be reduced to an amount which with earned income will not exceed seventy-five percent of the last earned annual compensation. In no case shall the benefit be reduced to less than fifty dollars per month.

(10) The board of trustees shall designate a medical review board consisting of three licensed physicians and may designate physicians in various areas of the Commonwealth to conduct examinations as needed. The medical review board shall pass upon all applications for disability retirement and upon all statements, certifications, and examinations submitted in connection with such applications. The disposition of each case shall be recommended by the medical review board in writing to the board of trustees. Members of the medical review board shall follow such rules and regulations regarding procedures as the board of trustees may enact and shall be paid reasonable fees and expenses as authorized by the board of trustees in compliance with the provisions of KRS 161.330 and 161.340. The board of trustees may secure such additional medical service and information as it deems necessary.

Section 14. The provisions of this Act shall become effective July 1, 1968.

Committee Amendment to **HB 123** is as follows:

Amend printed copy of House Bill 123 on page 22, line 13, by:

deleting "fifty" and replacing by adding "fifty-five".

**HB 18,** AN ACT relating to community colleges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 164.591 is amended to read:

A Community College shall be maintained in each of the following locations: Ashland, Covington, Cumberland, Elizabethtown, *Glasgow,* Henderson, Hopkinsville, Prestonsburg, Somerset, Blackey-Hazard, Jefferson County, and Mason County.

**HB 117,** AN ACT relating to public schools.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. In addition to the days of excused absence from school authorized by KRS 158.070, five days may be used during

the 1967-1968 school year for local disasters which would endanger the health or safety of children when so designated by the district board of education and approved by the State Board of Education upon recommendation of the Superintendent of Public Instruction.

Section 2. Because the extremely inclement weather during the current winter has made school bus operation too hazardous to be undertaken for several days an emergency exists within the meaning of the constitution. This Act therefore shall be in full force and effect from and after its passage and approval.

The Committee on Education reported **HB 126** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 173, HB 1** with Committee Amendment attached thereto, **HB 102** with Committee Amendment attached thereto, **HB 33** with Committee Amendment attached thereto, **SB 22** with Committee Amendment attached thereto, **HB 148** with Committee Amendment attached thereto, **HB 75** with Committee Substitute attached thereto, **HB 2** with Committee Amendment attached thereto, **HB 214** and **HB 223** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 173,** AN ACT relating to the Eighth Circuit Court District, a court of continuous session consisting of Warren County; creating an additional judge therefor.

WHEREAS, the General Assembly giving due regard to territory, business, population, and the right of all persons to a speedy trial, as provided by the Constitution of this Commonwealth, finds that an additional Circuit Court Judge is necessary in the Eighth Circuit Court District and finds also that it will be convenient and advantageous and will comply with the spirit and intent of the Constitution with respect to the requirements of population and will expedite the business of the court in the county involved to provide for an additional Circuit Judge for this district.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Eighth Circuit Court District shall have two Circuit Judges.

Section 2. The Circuit Court shall be established in two numbered divisions, that is, a First Division and a Second Division. The present Circuit Judge shall be the judge of the First Division and the additional judge provided for herein shall be judge of the Second Division.

Section 3. (1) Within sixty days after this Act becomes effective the Governor shall appoint a person having the qualifications of a Circuit Judge to preside over the additional authorized division, that is, the Second Division, of the Eighth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Eighth Circuit Court District, Second Division, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is duly elected and qualified as provided in subsection (2) of this section.

(2) The office of the Circuit Judge for the Eighth Circuit Court District, Second Division, shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy, that is, the appointee shall hold office until the next annual election to be held on the first Tuesday after the first Monday in November, 1968; and at that election the office shall be filled by election for the remainder of the regular Circuit Judge term as established by Section 129 of the Constitution which will run through the year, 1969; and at the regular election to be held on the first Tuesday after the first Monday in November, 1969 and every six years thereafter, such additional judge shall be elected as Circuit Court Judges are required to be elected and shall enter upon their duties of the office on the first Monday in January next succeeding his election. Such elections shall be held in accordance with the provision of KRS 24.075.

Section 4. WHEREAS, the congested docket of the Circuit Court of the said Circuit Court District deprives citizens of this

Commonwealth a prompt trial, as guaranteed by the Constitution of this Commonwealth, an emergency is declared to exist, and this Act shall become effective immediately upon its passage and signature by the Governor.

**HB 1,** AN ACT relating to limitation of actions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

An action for an injury to the person of the plaintiff, or of his wife, child, ward, apprentice or servant shall be commenced within two years after the cause of action accrued.

Section 2. KRS 413.140 is amended to read as follows:

(1) The following actions shall be commenced within one year after the cause of action accrued:

[(a) An action for an injury to the person of the plaintiff, or of his wife, child, ward, apprentice or servant.]

*(a)* [(b)] An action for injuries to persons, cattle or other livestock by railroads or other corporations.

*(b)* [(c)] An action for malicious prosecution, conspiracy, arrest, seduction, criminal conversation or breach of promise of marriage.

*(c)* [(d)] An action for libel or slander.

*(d)* [(e)] An action against a physician or surgeon for negligence or malpractice.

*(e)* [(f)] An action for the escape of a prisoner, arrested or imprisoned on civil process.

*(f)* [(g)] An action for the recovery of usury paid for the loan or forbearance of money or other thing, against the loaner or forbearer or assignee of either.

*(g)* [(h)] An action for the recovery of stolen property, by the owner thereof against any person having the same in his possession.

*(h)* [(i)] An action for the recovery of damages or the value of stolen property, against the thief or any accessory.

(2) In respect to the action referred to in paragraph *(f)* [(g)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of payment. This limitation shall apply to all payments made on all demands, whether evidenced by writing or existing only in parol.

(3) In respect to the action referred to in paragraph *(g)* [(h)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time the property is found by its owner.

(4) In respect to the action referred to in paragraph *(h)* [(i)] of subsection (1) of this section, the cause of action shall be deemed to accrue at the time of discovery of the liability.

Committee Amendment to **HB 1** is as follows:

Amend printed copy of House Bill 1 on page 1, line 4, by:

inserting after the word "servant" the words: "an action for injuries to persons, cattle or other livestock by railroads or other corporations; an action against a physician or surgeon for negligence or malpractice"

and on page 1, lines 11 and 12 by deleting said lines by placing a bracket before *"(a)"* and after "corporations"

and on page 2, lines 4 and 5 by deleting said lines 4 and 5 by placing a bracket before *"(d)"* and after "malpractice"

and on pages 1 and 2 by substitutiong *"(a)"* for *"(b)"* on line 13 of page 1 and by substitutiong *"(b)"* for *"(c)"* on line 3 of page 2 and *"(c)"* for *"(e)"* on line 6 and *"(d)"* for *"(f)"* on line 8 and *"(e)"* for *"(g)"* on line 11 and *"(f)"* for *"(h)"* on line 14 and by substituting *"(d)"* for *"(f)"* on line 16 and by sustituting *"(e)"* for *"(g)"* on line 21 and by substituting *"(f)"* for *"h"* on line 25.

**HB 102,** AN ACT relating to circuit courts having continuous session.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 24.010 is amended to read as follows:

(1) In counties constituting separate judicial districts and having a population of less than 150,000, the circuit court shall be in continuous session, and shall be held in a city of the second

class if there is one in the county, but the judge shall hold part of the session at the county seat of the county if it is not such city, such part to be not less than two weeks, if the business of the court requires, in February, June and October of each year.

(2) All suits in which the defendants or the greater number of defendants reside nearer the county seat than the city of the second class shall be docketed and tried at the county seat, and the process in such cases shall so indicate. The plaintiff in any action against a foreign corporation, a non-resident of the county, or a common carrier whose lines extend into any part of the county, may select at which place he will have the case docketed and tried, and the process shall be made by the clerk to so indicate. By consent, parties may have their case tried at either place.

*(3) Provided, however, if the county seat city is immediately adjacent to the second class city and the distance between the court house in the county seat city and the city hall in the second class city, by the shortest generally traveled route is not more than 10 miles then the court house may be in either city and all circuit courts and grand juries shall be held and all cases civil and criminal tried at the court house.*

Committee Amendment No. 1 to **HB 102** is as follows:

Amend printed copy of House Bill 102 on page 2, lines 6 and 7, by:

striking the words "*immediately adjacent*" and inserting in lieu thereof the word "*contiguous*"

Committee Amendment No. 2 to **HB 102** is as follows:

Amend printed copy of House Bill 102 on page 2, line 12, by:

deleting the period at the end of the line and adding the following: "; provided further, that nothing herein shall prevent the establishment and maintenance of branch offices of the circuit clerk and the county court clerk in the second class city."

**HB 33,** AN ACT relating to jurisdiction of the Courts of Kentucky.

WHEREAS, persons have acted directly and through agents in the Commonwealth of Kentucky.

WHEREAS, those persons have caused injury and property damage and financial inequities in the Commonwealth.

WHEREAS, remedy cannot presently be had against those persons in our Courts due to their non-residence within the Commonwealth.

WHEREAS, the progress and tranquility of our Commonwealth can be best assured through the complete settlement of disputes.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, "person" includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, who is a nonresident of this Commonwealth.

Section 2. (1) A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a claim arising from the person's:

(a) Transacting any business in this Commonwealth;

(b) Contracting to supply services or goods in this Commonwealth;

(c) Causing tortious injury by an act or omission in his Commonwealth;

(d) Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth, provided that the tortious injury occurring in this Commonwealth arises out of the doing or soliciting of business or a persistent course of conduct or derivation of substantial revenue within the Commonwealth;

(e) Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale

of goods outside this Commonwealth when he seller knew such person would use, consume, or be affected by, the goods in this Commonwealth, if he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

(f) Having an interest in, using, or possessing real property in this Commonwealth;

(g) Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting.

(2) When jurisdiction over a person is based solely upon this Act, only a claim arising from acts enumerated in this Act may be asserted against him.

Section 3. (1) When personal jurisdiction is authorized by this Act, service of process may be made on such person, or any agent of such person, in any county in this Commonwealth, where he may be found, or on the Secretary of State who, for this purpose, shall be deemed to be the statutory agent of such person.

(2) The process shall be served, by the officer to whom the same is directed, or by the sheriff of Franklin County, who may be deputized for such purposes by the officer to whom the service is directed, upon the Secretary of State by leaving at the office of the Secretary of State, at least fifteen days before the return day of such process, a true and attested copy thereof, and by sending to the defendant, by registered mail, postage prepaid, a like true and attested copy, with an indorsement thereon of the service upon said Secretary of State, addressed to such defendant at his last known address. The registered mail return receipt of such defendant shall be attached to and made a part of the return of service of such process.

Section 4. When the exercise of personal jurisdiction is authorized by this Act, any action or suit may be brought in the county wherein the plaintiff resides or where the cause of action or any part thereof arose.

Section 5. A court of this Commonwealth may exercise jurisdiction on any other basis authorized in KRS or by the Rules of Civil Procedure, notwithstanding this Act.

Section 6. KRS 454.165 is amended to read as follows:

No personal judgment shall be rendered against a defendant constructively summoned, and who has not appeared in the action, *except as provided in this Act.*

Section 7. If any section of this Act should be held unconstitutional, the remaining sections shall remain in effect.

Committee Amendment to **HB 33** is as follows:

Amend printed copy of House Bill 33 on page 3, line 1, by: deleting the semicolon and adding the following:

", providing the claim arises from the interest in, use of, or possession of the real property, provided, however, that such in personam jurisdiction shall not be imposed on a nonresident who did not himself voluntarily institute the relationship, and did not knowingly perform, or fail to perform, the act or acts upon which jurisdiction is predicated."

**SB 22**, AN ACT relating to wrongful death.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

It shall be lawful for the personal representative of a decedent who was injured by reason of the tortious acts of another, and later dies from such injuries, to recover in the same action for both the wrongful death of the decedent and for the personal injuries from which the decedent suffered prior to death, including a recovery for all elements of damages in both a wrongful death action and a personal injury action.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

In a wrongful death action in which the decedent was a minor child, the surviving parent, or parents, may recover for loss of affection and companionship that would have been derived from such child during its minority, in addition to all other

elements of the damage usually recoverable in a wrongful death action.

Section 3. The provisions of this Act shall apply only to causes of action arising after the effective date of this Act.

Committee Amendment to **SB 22** is as follows:

Amend printed copy of Senate Bill 22 on page 1, line 9, by:

deleting the period following the word "action" and adding the following:

", except damages recoverable for pain and suffering."

**HB 148,** AN ACT relating to foods, drugs, and poisons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 217.990 is amended to read:

(1) Any person who violates any of the provisions of KRS 217.350 shall be fined not more than twenty-five dollars.

(2) Any person who violates any of the provisions of subsection (2) of KRS 217.390 shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than fifty days, or both.

(3) Except as provided in subsections (1) and (2) of this section, any person who violates any of the provisions of KRS 217.280 to 217.390 or who refuses to comply with any lawful order or requirement duly made in writing as provided in KRS 217.380, shall, for the first offense, be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both, and for any subsequent offense shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both. Each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions, as ordered under KRS 217.380, shall be a separate offense.

(4) Any person who violates any of the provisions of KRS 217.400 shall be fined not less than ten dollars nor more than one hundred dollars.

(5) Any person who violates any of the provisions of KRS 217.420 to 217.440 shall be fined not less than *two hundred* [ten] dollars nor more than *five hundred* [one hundred] dollars, or imprisoned *in the penitentiary* for not less than *one year* [ten days] nor more than *five years* [fifty days], or both.

(6) Any person who violates any of the provisions of KRS 217.450 shall be fined one hundred dollars.

Committee Amendment to **HB 148** is as follows:

Amend printed copy of House Bill 148 on page 2, lines 13-15, by:

striking lines 13 through 15 in their entirety and inserting in lieu thereof the following:

"dollars nor more than one *thousand* [hundred] dollars, or imprisoned *in the county jail* for not *more* [less] than *one year* [ten days nor more than fifty days], or both."

**HB 75,** AN ACT relating to the offense of shoplifting and providing penalties therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 433.234 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who takes merchandise offered for sale by any store or other mercantile establishment with the intention of converting the same to his own use without paying the purchase price therefor, shall be fined not more than three hundred dollars or imprisoned not more than six months, *or both* for the first offense. For the second offense he shall be fined not more than five hundred dollars and imprisoned not more than six months, and for the third offense *he* shall be imprisoned *in the penitentiary* not less than one year nor more than five years.

(2) Willful concealment of unpurchased merchandise of any store or other mercantile establishment on the premises of such store shall be prima facie evidence of concealment with intention of converting same to personal use without paying the purchase price therefor.

*(3) All city and county law enforcement agencies shall cause a photograph, a set of fingerprints and a general descriptive report of all persons except juveniles arrested under this act to be made. If convicted, two copies of each item shall be forwarded within thirty days to the Division of State Police of the Department of Public Safety.*

Section 2. Section 433.236 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* A peace officer, *security agent of a mercantile establishment,* merchant or merchant's employee who has probable cause for believing that goods held for sale by the merchant have been unlawfully taken by a person, and that he can recover same by taking the person into custody, may, for the purpose of attempting to effect recovery, take the person into custody and detain him in a reasonable manner for a reasonable length of time. *Such taking into custody and detention by a peace officer, security agent of a mercantile establishment, merchant, or merchant's employee shall not render him criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.*

*(2) Any peace officer may arrest without warrant any person he has probable cause for believing has committed larceny in retail or wholesale establishments.*

*(3) A security agent of a mercantile establishment, merchant, or a merchant's employee who causes such arrest as provided for in subsection (2) hereof of a person for larceny of goods held for sale shall not be criminally or civilly liable for false arrest or false imprisonment where he has probable cause for believing that the person arrested committed larceny of goods held for sale.*

Committee Substitute to **HB 75** is as follows:

**Committee Substitute HB 75,** AN ACT relating to the offense of shoplifting and providing penalties therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 433.234 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who takes merchandise offered for sale by any store or other mercantile establishment with the intention of converting the same to his own use without paying the purchase price therefor, shall be fined not more than three hundred dollars or imprisoned not more than six months, *or both* for the first offense. For the second offense he shall be fined not more than five hundred dollars and imprisoned not more than six months, and for a third offense *he* shall be imprisoned *in the penitentiary* not less than one nor more than five years.

(2) Willful concealment of unpurchased merchandise of any store or other mercantile establishment on the premises of such store shall be prima facie evidence of concealment with intention of converting same to personal use without paying the purchase price therefor.

*(3) All city and county law enforcement agencies shall cause a photograph, a set of fingerprints and a general descriptive report of all persons except juveniles arrested under this Act to be made. If convicted, two copies of each item shall be forwarded within thirty days to the Division of State Police of the Department of Public Safety.*

Section 2. Section 433.236 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* A peace officer, *security agent of a mercantile establishment,* merchant or merchant's employee who has probable cause for believing that goods held for sale by the merchant have been unlawfully taken by a person, and that he can recover same by taking the person into custody, may, for the purpose of attempting to effect recovery, take the person into custody and detain him in a reasonable manner for a reasonable length of time.

*(2) Any peace officer may arrest without warrant any person he has probable cause for believing has committed larceny in retail or wholesale establishments.*

**HB 2,** AN ACT relating to divorce.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 403.043 of 1966 Supplement is repealed.

Committee Amendment to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 1, line __, by: adding a new section to read as follows:

"Section 2. No testimony other than on temporary motions, no depositions nor other proof concerning the merits of the divorce action shall be heard before thirty (30) days have elapsed from the date of the filing of the complaint."

**HB 214**, AN ACT relating to payment of jurors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 29.390 is amended to read:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

(3) In courts inferior to the circuit court, [except in counties containing a city of the second class,] each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

[(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.]

Section 2. KRS 29.410 is amended to read:

(1) In circuit courts, upon the return of a verdict into court by the jury, a dismissal or judgment of non-suit, or the withdrawal of a jury by consent after it has been sworn, a jury fee of four dollars shall be paid to the clerk, by the successful party in the first two cases, and by the plaintiff in the last case. If the successful party fails or refuses to pay the jury fee, the opposite party may pay it to the clerk, and it shall be credited on the judgment and execution against him. No execution shall issue on the judgment until the fee is paid to the clerk. In each case the jury fee shall be taxed as costs against the unsuccessful party.

(2) In courts inferior to the circuit court, *in cases other than penal and misdemeanor cases,* the cost of the jury shall be *advanced and* paid by the party demanding the jury and taxed as costs against the unsuccessful party.

*(3) In courts inferior to the circuit court, in penal and misdemeanor cases, upon a verdict of conviction, the jury fee shall be taxed as costs against the defendant. Upon return of a verdict of acquittal, or upon dismissal, the costs of the jury shall be paid by the Commonwealth, from the state treasury as provided in KRS 28.180.*

Section 3. KRS 28.180 is amended to read:

(1) Each circuit clerk shall pay to each *grand juror and petit juror in circuit court, and juror for penal and misdemeanor cases in courts inferior to the circuit court as provided in KRS 29.410 (3)* [juror] the compensation allowed to him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments, the State Treasurer, on direction of the Department of Finance, shall advance to each circuit clerk an imprest fund sufficient for the payments for a term of court or, if the court is one of continuous session, sufficient for the period of service of each grand or petit jury panel, or both, but not to exceed a period of sixty days, *and sufficient*

*for payments to jurors in courts inferior to the circuit court in penal and misdemeanor cases as provided in KRS 29.410 (3) for a period of sixty days, which requirements shall, from time to time, be certified by the county judge or the police judge to the circuit clerk.*

(2) The circuit clerk shall be allowed five percent of all funds forwarded to the State Treasury under KRS 28.170, and an amount equal to five percent of the funds disbursed by him to jurors under this section.

Section 4. KRS 453.010 is amended to read:

[(1) No judgment for costs shall be rendered against the Commonwealth in any action prosecuted by or against the Commonwealth in its own right; provided, however, that] *In* any civil, *criminal or penal* action filed in any court of competent jurisdiction by [or against] the Commonwealth of Kentucky, *or any civil action so filed against the Commonwealth of Kentucky,* the costs may be paid by the Commonwealth when such costs are approved and allowed by the judge of the court in which the case was filed. [Costs shall not exceed the fees allowed for similar services in other civil actions.]

**HB 223,** AN ACT relating to judicial sales.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 426.700 is amended to read:

Every sale made under an order of court must be public, *for cash or* upon reasonable credits to be fixed by the court [, not less, however, than three months for personal, nor six months for real property]; and shall be made after such notice of the time, place and terms of sale as the order may direct; and, unless the order direct otherwise, shall be made at the door of the courthouse of the county in which the property, or the greater part thereof, may be situated; and the notice of sale must state for what sum of money it is to be made.

The Committee on Judiciary reported **SB 65** with the expression of opinion that the same should not pass.

### Announcement

The Clerk read the following: In accordance with **HR 25** previously adopted, the Speaker appoints the following Committee: Representatives Irick, Chairman; Justice, Allen, Massey, Wesley, J. Davis and Johnson.

### Calendar

**HB 56, HB 207, HB 211, HB 227, HB 228, HB 60, HB 181, HB 136** with Committee Amendment attached thereto, **HB 226** and **HB 112** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

### Senate Message

Announcing passage of **SB 118, SB 96.**

Representative McBrayer moved that the vote by which **HB 106** was defeated be reconsidered.

On the roll call the vote was yeas 57—Akers, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Clapp, Cox, Cruse, Curlin, Dawhare, DeMarcus, Hampton, Harper, Holbrook, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Webster, White, Wolchik. Nays 6—Baker, Henry, James, Russell, Wesley, Wright.

The motion that the vote by which **HB 106** was defeated be reconsidered was adopted.

On the roll call the vote was yeas 47—Akers, Alexander, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Cox, Curlin, Dawhare, DeMarcus, Harper, Holbrook, Irick, Isler, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Maddox, Massey, May, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Riddle, Saylor, Schmidt, Siemens, Smith, Tobin, Vanover, Wells. Nays 15—Arnett, Baker, Ball, Bal-

lenger, Henry, Hoe, James, Johnson, McKinney, Rattliff, Russell, Sartin, Webster, Wesley, Wright.

**HB 106** was passed and the title agreed to.

### Report on Enrolled Bills

The Committee on Enrollment reported **SB 1** had been examined and found correctly enrolled. **SB 1** read at length, compared and signed in open session by the Speaker. Ordered delivered to the Senate.

### Orders of the Day

**HB 36** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hardin moved the adoption of the following Amendment to **HB 36:**

Amend printed copy of House Bill 36 on page 2, lines 9-17, by:

deleting said lines and inserting in lieu thereof the following:

"[if the circumstances described in subsection (1) of this section with respect to only one of the two legitimate parents, and] if *the father* [that parent has been ordered by the court to give support to the child and] has willfully, substantially and continuously refused for a period of at least one year to give *or pay* any support, the parental rights of that parent may be terminated [immediately] by order of the court, in which case the child shall not be declared a ward of the state, unless with the voluntary consent of the other parent.

Agreed.

On the roll call the vote was yeas 91—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson,

Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 2—DeMarcus, Peace.

**HB 36** as amended was passed and the title agreed to.

Representative Pettit moved that **HB 166** be recommitted to the Committee on Judiciary. Agreed.

**HR 32** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative W. J. Reynolds moved the adoption of the following amendment to **HR 32:**

Amend printed copy of House Resolution 32 on page 2, line 7, by:

striking the word "1,000" and inserting in lieu thereof the word "100"

Agreed.

On the roll call the vote was yeas 91—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HR 32** as amended was passed and the title agreed to.

The following members requested that they be added as sponsors to **HR 32:**

Representatives Alexander, Arnett, Ball, Bamberger, Brown, Clark, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Irick, James, Johnson, Jones, Keene, Keith, Kessinger, Lawson, Louden, Massey, May, McBrayer, McCallum, McKinney, McNamara, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Russell Reynolds, Sartin, Saylor, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Webster, Wheeler, White, Wolchik, Wooley.

Representative W. J. Reynolds moved that the vote by which **HR 32** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 8,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Louden moved the adoption of Committee Substitute to **HB 8.** Agreed.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 8** as amended was passed and the title agreed to.

Representative Louden moved that the vote by which **HB 8** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 124** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 124** was passed and the title agreed to.

Representative Arnett moved that the vote by which **HB 124** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 133** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff,

Hunt, Irick, Isler, James, Jones, Keene, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Johnson.

**HB 133** was passed and the title agreed to.

**HB 84**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bruce moved the adoption of Committee Amendment to **HB 84.**

Representative King moved that **HB 84** be recommitted to the Committee on Judiciary.

On the roll call the vote was yeas 10—Bamberger, Blandford, Blume, Huff, Hunt, Kessinger, King, McGill, Mershon, Sartin. Nays 56—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Cox, Cruse, Dawhare, DeMarcus, Denham, Greer, Hampton, Harper, Henry, Hinkle, Hoe, Hopkins, Isler, James, Johnson, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, McKinney, Melton, R. L. Miller, Morgan, Murphy, Peace, Pettit, Rattliff, Rickert, Riddle, Russell, Simmons, Smith, Vanover, Walters, Wells, Wesley, White, Wright.

The motion that **HB 84** be recommitted to the Committee on Judiciary was rejected.

Representative Bruce moved the adoption of Committee Amendment to **HB 84.** Agreed.

On the roll call the vote was yeas 63—Akers, Alexander, Allen, Arnett, Baker, Bleemel, Blythe, Bruce, Clapp, Clark, Cof-

fey, Cox, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McNamara, Clarence R. Miller, Robert L. Miller, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Smith, Vanover, Walters, Webster, Wells, Wesley, Wooley, Wright. Nays 9—Bamberger, Blandford, Blume, Curlin, Hunt, Keene, Melton, Peace, Siemens.

**HB 84** as amended was passed and the title agreed to.

Representative Bruce moved that the vote by which **HB 84** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 196** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 95—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 196** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 196** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 171** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 93—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 171** was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 171** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HB 142** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 26,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Bamberger moved the adoption of the Committee Substitute to **HB 26.** Agreed.

On the roll call the vote was yeas 90—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler,

James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Peace.

**HB 26** as amended was passed and the title agreed to.

Representative Bamberger moved that the vote by which **HB 26** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 39** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the following Amendment to **HB 39:**

Amend printed copy of House Bill 39 on pages 1 and 2, by: striking in their entirety lines 9, 10 and 11 on page 1 and line 1 on page 2

Representative Clapp moved that the Amendment to **HB 39** be laid on the table.

On the roll call the vote was yeas 41—Baker, Ballenger, Bamberger, Blume, Blythe, Brown, Clapp, Cox, Cruse, Denham, Greer, Hardin, Harper, Hoe, Hoffman, Isler, Jones, Kidd, King, Lassiter, Lawson, Maddox, Massey, McBrayer, McCallum, McGill, Mershon, Clarence R. Miller, Morgan, Murphy, Pettit, Ray, Richey, Russell, Schmidt, Siemens, Stuart, Webster, Wesley, Wheeler, Wright. Nays 55—Akers, Alexander, Allen, Arnett, Ball, Blandford, Bleemel, Bowles, Bruce, Clark, Coffey, Curlin, J. A. Davis, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Keene, Keith, Kessinger, Lankford, Louden, May, McKinney, McNamara, Melton, R. L. Miller, Mitchell, Peace, Prather, Rattliff, R. Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Saylor, Sim-

mons, Smith, Vanover, Walters, Wells, White, Wolchik, Wooley.

The motion that the amendment to **HB 39** be laid on the table was rejected.

Representative Rickert moved that **HB 39** be recommitted to the Committee on State Government.

Representative Isler moved that the House adjourn until 11:00 p.m., February 9, 1968.

On the roll call the vote was yeas 37– Bamberger, Blume, Blythe, Brown, Clapp, Cox, Walter F. Davis, Denham, Greer, Halleck, Hardin, Harper, Isler, Jones, Kidd, King, Lawson, Maddox, Massey, McCallum, McGill, Mershon, Clarence R. Miller, Morgan, Murphy, Pettit, Ray, Russell, Schmidt, Siemens, Smith, Stuart, Webster, Wesley, Wheeler, Wooley, Wright. Nays 58– Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Bowles, Bruce, Clark, Coffey, Cruse, Curlin, J. A. Davis, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Keene, Keith, Kessinger, Lankford, Lassiter, Louden, May, McKinney, McNamara, Melton, R. L. Miller, Mitchell, Peace, Prather, Rattliff, R. Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Simmons, Tobin, Vanover, Walters, Wells, White, Wolchik.

The motion to adjourn was rejected.

Representative Cox moved that **HB 39** be laid on the Clerk's Desk.

Representative W. J. Reynolds moved the adoption of the Previous Question on the amendment to **HB 39.**

Representative Wright moved that the House recess for fifteen minutes.

On the roll call the vote was yeas 40–Baker, Bamberger, Blume, Blythe, Brown, Clapp, Cox, Cruse, Walter F. Davis, Denham, Greer, Halleck, Hardin, Harper, Hoe, Hoffman, Isler, Jones, Kidd, King, Lassiter, Lawson, Maddox, Massey, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Morgan, Murphy, Pettit, Ray, Russell, Schmidt, Siemens, Stuart, Wesley, Wheeler,

Wright. Nays 55—Akers, Alexander, Allen, Arnett, Ball, Ballenger, Blandford, Bleemel, Bowles, Bruce, Clark, Coffey, Curlin, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Keene, Keith, Kessinger, Lankford, Louden, May, McKinney, Melton, R. L. Miller, Mitchell, Peace, Prather, Rattliff, R. Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Saylor, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, White, Wolchik, Wooley.

The motion to recess was rejected.

On the roll call the vote was yeas 53—Akers, Alexander, Allen, Arnett, Ball, Blandford, Bleemel, Bowles, Bruce, Clark, Coffey, Curlin, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Keene, Keith, Kessinger, Lankford, Louden, May, McGill, McKinney, McNamara, Melton, Robert L. Miller, Mitchell, Peace, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Saylor, Simmons, Smith, Tobin, Walters, Wells, White, Wolchik. Nays 39—Baker, Bamberger, Blume, Blythe, Brown, Clapp, Cox, Cruse, W. F. Davis, Greer, Halleck, Hardin, Harper, Hoe, Hoffman, Isler, Kidd, King, Lassiter, Lawson, Maddox, Massey, McCallum, Mershon, C. R. Miller, Morgan, Murphy, Pettit, Ray, Richey, Russell, Schmidt, Siemens, Stuart, Webster, Wesley, Wheeler, Wooley, Wright.

The Previous Question on amendment to **HB 39** was adopted.

On the roll call the vote was yeas 54—Akers, Alexander, Allen, Arnett, Ball, Bamberger, Blandford, Bleemel, Bowles, Bruce, Clark, Coffey, Curlin, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Huff, Hunt, Irick, James, Johnson, Keene, Keith, Kessinger, Lankford, Louden, May, McKinney, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Saylor, Smith, Tobin, Vanover, Walters, Webster, Wells, White, Wolchik. Nays 39—Baker, Ballenger, Blume, Blythe, Clapp, Cox, Cruse, J. A. Davis, Denham, Greer, Halleck, Hardin, Harper, Hoe, Hoffman, Isler, Jones, Kidd, King, Lassiter, Maddox, Massey, McCallum, McGill, Mershon, Morgan, Murphy, Pettit, Ray, Russell, Schmidt, Siemens, Simmons, Stuart, Wheeler, Wooley, Wright.

Amendment to **HB 39** was adopted.

Representative Morgan moved the Previous Question on **HB 39** as amended.

On the roll call the vote was yeas 57—Akers, Alexander, Allen, Arnett, Ball, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Clark, Coffey, Curlin, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Keene, Keith, Kessinger, Lankford, Louden, May, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Saylor, Smith, Tobin, Walters, Webster, Wells, White, Wolchik. Nays 36—Baker, Ballenger, Blythe, Clapp, Cox, Cruse, J. A. Davis, W. F. Davis, Denham, Greer, Halleck, Hardin, Harper, Hoe, Hoffman, Isler, King, Lassiter, Lawson, Maddox, Massey, McCallum, Morgan, Murphy, Pettit, Ray, Richey, Russell, Schmidt, Siemens, Simmons, Stuart, Wesley, Wheeler, Wooley, Wright.

The motion on the Previous Question on **HB 39** as amended was adopted.

Representative Wooley moved that the Rules be suspended to make **HB 39** as amended a Special Order for Wednesday, February 14, 1968. Agreed.

The Speaker ruled the motion to suspend the Rules was out of order and that the above agreement be disregarded.

On the roll call the vote was yeas 59—Akers, Alexander, Allen, Arnett, Ball, Blandford, Bleemel, Bowles, Brown, Bruce, Clark, Coffey, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Floyd, Hampton, Henry, Hinkle, Holbrook, Hopkins, Huff, Hunt, Irick, James, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Louden, May, McKinney, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Saylor, Simmons, Smith, Tobin, Vanover, Walters, Wells, White, Wolchik, Wright. Nays 35—Baker, Ballenger, Bamberger, Blume, Blythe, Clapp, Cox, Denham, Greer, Hardin, Harper, Hoe, Hoffman, Isler, Kidd, King, Lassiter, Lawson, Maddox, Massey, McBrayer, McCallum, McGill, Mershon, Morgan, Murphy, Pettit,

Ray, Russell, Schmidt, Siemens, Stuart, Webster, Wesley, Wheeler.

**HB 39** as amended was passed and the title agreed to.

Representative Hunt moved that the vote by which **HB 39** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HR 9** and **SR 14** be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Morgan moved that when the House adjourns on February 9, 1968, it do so until 3:00 p.m., Tuesday, February 13, 1968.

On the roll call the vote was yeas 40—Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Carroll, Clapp, Cox, Cruse, Curlin, Denham, Floyd, Hampton, Hardin, Harper, Hoffman, Hunt, Irick, Keene, Kessinger, King, Louden, Maddox, Massey, McBrayer, McGill, Mershon, Morgan, Peace, Pettit, W. J. Reynolds, Riddle, Smith, Stuart, Webster, Wells, Wright. Nays 47—Akers, Arnett, Ball, Blume, Blythe, Brown, Clark, Coffey, J. A. Davis, W. F. Davis, Dawhare, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Johnson, Jones, Keith, Lankford, Lassiter, Lawson, McCallum, McKinney, Melton, C. R. Miller, R. L. Miller, Rattliff, Ray, R. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Vanover, Walters, Wesley, Wheeler, White, Wooley.

The motion that when the House adjourns on February 9, 1968, it do so until 3:00 p.m., Tuesday, February 13, 1968, was rejected.

Representative Massey requested that he be recorded voting "nay" on **HB 39.** Agreed.

Representative King requested that he be recorded as voting "yea" on **HB 36.** Agreed.

Representative Melton requested that he be recorded as voting "yea" on **HB 84.** Agreed.

Representative James requested that he recorded as voting "yea" on **HB 124.** Agreed.

Representative Morgan moved that the House adjourn until 11:00 a.m., Friday, February 9, 1968. Agreed.

On the roll call the vote was yeas 35—Akers, Alexander, Allen, Arnett, Bamberger, Bruce, Clapp, Clark, Cox, James A. Davis, Hinkle, Hoe, Hopkins, Johnson, Jones, Keith, Kidd, King, Lawson, Louden, May, Melton, Robert L. Miller, Morgan, Prather, Ray, Richey, Rickert, Russell, Sartin, Schmidt, Smith, Wheeler. Nays 2—Blythe, Siemens.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 9, 1968

## THIRTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Charles N. King of the Corinthian Baptist Church, Frankfort.

The roll was called. All present except Representatives Ballenger, Blythe, Brown, Johnson, Lassiter, C. R. Miller, Smith and Wesley.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 8, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 325,** by Representatives Riddle and C. R. Miller: AN ACT relating to the County Employes Retirement System.

**HB 326,** by Representative Akers: AN ACT relating to special education.

**HB 327,** by Representative Akers: AN ACT relating to public education.

**HB 328,** by Representatives Simmons, Kessinger, Bleemel, W. F. Davis, R. L. Miller, Coffey and Keith: AN ACT relating to vehicles operating expenses.

**HB 329,** by Representatives Morgan and Ball: AN ACT relating to employment of prisoners in the penitentiary.

**HB 330,** by Representatives Morgan and Ball: AN ACT relating to the Interstate Probation and Parole Compact.

**HB 331,** by Representatives Morgan and Ball: AN ACT relating to the surrender of persons in custody on criminal charges by this state to the United States or another state.

**HB 332,** by Representatives Morgan and Ball: AN ACT relating to conditional release of prisoners.

**HB 333**, by Representatives Morgan and Ball: AN ACT relating to the Industrial Development Finance Authority.

**HB 334**, by Representative Morgan: AN ACT relating to fish and wildlife resources.

**HB 335**, by Representative Blume: AN ACT relating to the authority of the Kentucky State Racing Commission.

**HB 336**, by Representatives Pettit and Wooley: AN ACT relating to medical care.

**HB 337**, by Representative Pettit: AN ACT relating to the regulation and control of solid waste disposal and solid waste disposal sites and facilities.

**HB 338**, by Representatives Allen, Peace, Wells, Lassiter, Kidd, Hopkins, Arnett, Hinkle, Holbrook, Hampton, Murphy, Curlin, W. J. Reynolds, Mitchell, Alexander, Webster, Henry, Akers, Russell, Clapp, R. L. Miller, Ray, Wolchik, Coffey, Simmons, Louden, Huff, Sartin, Siemens, Blandford, McKinney, McNamara, Isler, W. F. Davis and May: AN ACT relating to teachers' pensions.

**HB 339**, by Representative Baker: AN ACT relating to the Uniform Commercial Code.

**HR 46**, by Representatives McCallum and Bruce: A RESOLUTION requesting the news media to publicize the need for more stringent laws for the inspection of imported meats and requesting the U.S. Department of Agriculture to direct its attention to this problem.

**HR 47**, by Representative Blythe: A RESOLUTION relating to the standard of time.

**HR 48**, by Representative Lawson: A RESOLUTION to adjourn the House of Representatives on Friday, February 9, 1968, in memory of Edward Calhoun.

**HR 49**, by Representatives Halleck, Siemens, J. Davis, and Wheeler: A RESOLUTION commending John Paul Jones and adjourning the House of Representatives on Friday, February 9, 1968, in his honor.

**Report of Committees**

The Committee on Rules reported **HB 226, HB 207, HB 211, HB 136** with Committee Amendment attached thereto, **HB 181, HB 60**, and **HB 228** with the expression of opinion that the same should pass.

The Committee on Business Organizations and Professions reported **HB 234** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 234**, AN ACT relating to race tracks and trotting tracks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The licensees of each race track or trotting track now or hereafter operating in this state shall during each racing season employ at least eighty-five percent of their employes from bona fide residents of Kentucky and shall pay them at least eighty-five percent of each weekly payroll, excepting jockeys, apprentices, exercise boys, owners, trainers, clockers, and all governing and managing officials and heads of departments of the track.

Section 2. A person shall have resided and have made his home in Kentucky for two years continuously last prior to the date of employment by any race track or trotting track to be deemed a bona fide resident under the terms hereof.

Section 3. Every applicant for employment at any race track or trotting track in this state other than those employes specified in Section 1 of this Act, shall furnish to the Kentucky State Racing Commission or the Kentucky Trotting Commission by affidavit and by such other evidence as the commission deems necessary, sufficient and satisfactory proof of the applicant's residence.

Section 4. Whenever it appears to the racing commission or the trotting commission that any licensee of any race track or trotting track is exceeding the amount of fifteen percent in

employes or amount of payroll as herein provided, and if not corrected before the next payroll, the racing or trotting commission shall suspend a sufficient number of employes of the race track or trotting track who are not residents of Kentucky as herein defined to bring the number of employes and amount of payroll within the limitations herein set forth.

Section 5. Any person or the licensee of any race track or trotting track knowingly and wilfully violating the provisions of this Act shall be imprisoned for six months or fined not more than five hundred dollars, or both.

Committee Amendment to **HB 234** is as follows:

Amend printed copy of House Bill 234 on page 2, by:
adding after line 19 the following:

"Section 6. The provisions of this Act shall not apply to those days of any meeting of a race track at which the daily mutuel handle as defined in KRS 137.170 exceeds $1,500,000."

The Committee on Education reported **HB 255** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 255,** AN ACT relating to the establishment of Northern Kentucky State College and a board of regents therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the KRS is created to read:

(1) There is hereby recognized as established and maintained a state college in this Commonwealth to be designated and known as Northern Kentucky State College, the location of which shall be determined by a group of twelve persons from the northern section of the state, to be appointed by the Governor, not more than six of whom shall belong to the same political party.

(2) All the provisions of KRS Chapter 164, with the exception of KRS 164.295 (2) and KRS 164.320 (1), (2) and (3),

applying to the state universities and Kentucky State College, shall apply to Northern Kentucky State College.

Section 2. KRS 164.320 is amended to read:

(1) Beginning April 1, 1957, the Board of Regents for each of the state colleges shall consist of the Superintendent of Public Instruction, who shall be chairman of each board, and six members appointed by the Governor. Each of the present members of the Board of Regents of each state college shall continue as a member of the board until the expiration of the term for which he was appointed and qualified.

(2) The terms of each member, except the holdover members, appointed under the provisions of this section shall begin on April 1, 1957. As of April 1, 1957, the Governor shall appoint two members to the Board of Regents for each of the four state colleges, except Kentucky State College, and shall appoint three members to the Board of Regents of Kentucky State College.

(3) One of the members of the Board of Regents of each state college, except Kentucky State College, shall be appointed for a term of two years, and one for a term of four years. As of April 1, 1957, the Governor shall appoint three members of the Board of Regents of Kentucky State College, one member for a term of two years, one member for a term of three years, one member for a term of four years.

*(4) The Board of Regents for Northern Kentucky State College shall consist of the Superintendent of Public Instruction, who shall be chairman of the board, and six members appointed by the Governor. On July 1, 1968, the Governor shall appoint six members to the Board of Regents of Northern Kentucky State College. One member shall serve until April 1, 1969, one until April 1, 1970, one until April 1, 1971, one until April 1, 1972, one until April 1, 1973, and one until April 1, 1974.*

(5) [(4)] Thereafter, appointments for a term of four years shall be made by the Governor within thirty days after the expiration of the term of each member. If the Governor should fail to make any such appointment within thirty days after the expiration of the term of any member, the remaining members of the Board of Regents of the particular college, whose

terms shall not have expired, shall make such appointment within sixty days after the expiration of such term.

*(6)* [(5)] Not more than two appointed members of any board shall be residents of one county; not more than three of the appointed members of any board shall belong to the same political party. Membership on the board shall not be incompatible with any other state office.

*(7)* [(6)] Appointments to fill vacancies shall be made in the same manner and within the same time after the occurrence of the vacancy as regular appointments. The person appointed shall hold the position for the unexpired term only.

*(8)* [(7)] Each appointed member of the board shall, at the first meeting following his appointment, take an oath to faithfully discharge his duties.

*(9)* [(8)] Each member of the board shall serve for the term for which he is appointed and until his successor is appointed and qualified.

The Committee on Health and Welfare reported **HB 107, HB 122, HB 215** and **HR 43** with the expression of opinion that the same should pass. Read at length for the first time and ordered in the Calendar.

**HB 107,** AN ACT relating to public assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 205.210 is amended to read:

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulation, provided that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance, the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period.

(2) Notwithstanding any other provisions of the law to the contrary, resources in any given case shall be deemed to include

among other things:

(a) The income and any property belonging to any applicant or recipient; except the exemptions of the kind and the amount of income prescribed by regulations within the scope of the public assistance titles of the Social Security Act, its amendments and other federal acts and regulations;

(b) The income and any property of the spouse living with any needy aged, needy blind, or needy permanently and totally disabled person;

[(c) Such income and resources as may be available to applicants or recipients from persons legally liable for their support.]

(3) The value of any property voluntarily transferred by any applicant or recipient or the spouse living with any applicant or recipient for the purpose of establishing eligibility for public assistance shall be deemed a resource of such applicant or recipient under this section.

Section 2. The purpose of the General Assembly in enacting this Act is to permit recipients of old age assistance to reside with their children without suffering a reduction in old age assistance from the amount they would receive if living alone. To achieve the purpose of this Act, the Department of Economic Security is directed not to reduce the amount of old age assistance payable to a recipient living alone below the amount which was payable to such a recipient on January 16, 1968.

**HB 122**, AN ACT relating to public assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 205 is created to read as follows:

The amount allowed by the Department of Economic Security as a special circumstance allowance for nursing care for a recipient of old age assistance who lives alone in his own home shall not be less than sixty dollars per month.

**HB 215,** AN ACT relating to the disposition of the body of a deceased person.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 311.354 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any preson or persons having the right to a body for burial may likewise consent to such use of the body or part thereof as set forth in KRS 311.352. *In the case of a person not yet dead, authorization may be given if that person is unconscious and is dying, and he has not prior to his death expressed a contrary desire.*

(2) For the purpose of KRS 311.352 to 311.356, the persons having the right to dispose of a body are as follows:

(a) The surviving spouse, if any, and if none,

(b) The person or persons who are entitled to the real property of the deceased under KRS 391.010, and if none,

(c) The person, agency, institution, or organization having the obligation to bury such body.

**HR 43,** A JOINT RESOLUTION directing the Legislative Research Commission and the Kentucky Crime Commission to study the penal laws of the Commonwealth.

WHEREAS, the penal provisions of the Kentucky Revised Statutes have never been comprehensively revised as to the substance thereof; and

WHEREAS, the many outdated and inequitable provisions of the penal law tend to cause disrespect for the law among offenders and potential offenders, and result in injustices in the enforcement and administration of the criminal laws of the Commonwealth,

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

1. The Legislative Research Commission and the Kentucky Crime Commission are directed to make a joint study of the penal provisions of the Kentucky Revised Statutes, and to make recommendations for the substantive revision thereof to the 1970 General Assembly. The Commissions shall recommend suitable penalties for offenses according to modern theory and practice, and shall recommend similar penalties for offenses of like seriousness.

2. The Commissions shall enlist the support of such persons with responsible experience in all phases of criminal justice as they think advisable to assist in the study.

The Committee on Health and Welfare reported **HB 96** and **HB 120** with expression of opinion that the same should not pass.

There was a minority report from the Committee on Health and Welfare on **HB 120** with the expression of opinion that the same should pass.

## Calendar

**HB 5** with Committee Amendment attached thereto, **HB 167, HB 187, HB 208, HB 197, HB 193, HB 209, SB 20** with Committee Amendment attached thereto, **SB 110, SB 21, HB 79** with Committee Amendment attached thereto, **HB 233, HB 190, HB 232, HB 204, HB 123** with Committee Amendment attached thereto, **HB 18, HB 117, HB 173, HB 1** with Committee Amendment attached thereto, **HB 102** with Committee Amendment attached thereto, **HB 33** with Committee Amendment attached thereto, **SB 22** with Committee Amendment attached thereto, **HB 148** with Committee Amendment attached thereto, **HB 75** with Committee Substitute attached thereto, **HB 2** with Committee Amendment attached thereto, **HB 214** and **HB 223** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

The House received a communication from Governor Louie

B. Nunn requesting a Joint Session of the House and Senate for 7:00 p.m., Tuesday, February 13, 1968.

Representative Morgan moved that when the House adjourns today that it convene Tuesday, February 13, 1968, at 3:00 p.m. Agreed.

**HR 48,** A RESOLUTION to adjourn the House of Representatives on Friday, February 9, 1968, in memory of Edward Calhoun.

WHEREAS, Edward Calhoun of Hebron, veteran of 10 years' service as a State Police trooper, succombed on February 6, 1968, to the effects of a fatal heart condition; and

WHEREAS, trooper Calhoun suffered his heart defect in the wake of being shot three times while on duty in the service of his fellow citizens, and witnessing the death of his seven-year-old daughter run down by an automobile; and

WHEREAS, the example of Edward Calhoun must serve as the shining light of a man's devotion to his fellows, wherein he gave all one has to offer;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives adjourns on Friday, February 9, 1968, it does so in memory of Edward Calhoun.

Representative Lawson moved the adoption of **HB 48.** Agreed.

## Senate Message

Announcing passage of **HB 13, HB 14, HB 31, HB 113, SB 92, SB 105, SB 112, SB 113, SB 114, SB 120, SB 136, SB 142, SB 155.**

## Motions, Petitions, and Communications (Cont.)

**HR 46,** A RESOLUTION requesting the news media to publicize the need for more stringent laws for the inspection of imported meats and requesting the U. S. Department of Agriculture to direct its attention to this problem.

WHEREAS, the news media have been directing their attention solely to the problems involved in inspecting meats produced in this country; and

WHEREAS, there is certainly an urgent need to have more stringent requirements on the inspection of meats produced in other countries and imported into the United States; and

WHEREAS, the federal Wholesome Meat Act, passed in December of 1967, gives the states two years to adopt intrastate inspection standards at least as tough as those employed in interstate meat commerce by the U. S. government, but is not directed at any problems involved in the inspection of imported meats;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the United States Department of Agriculture is hereby requested to direct its attention to problems involved in the inspection of meats imported into the United States from foreign countries.

Section 2. That a copy of this resolution be sent to the United States Secretary of Agriculture.

Representative Bruce moved the adoption of **HR 46**. Agreed.

Representative R. L. Miller moved that the minority report on **HB 120** be accepted, majority report notwithstanding, and that it be given a first reading.

Representative Blume moved that the minority report on **HB 120** be tabled. Agreed.

Representative Blythe moved the adoption of **HR 47.** The Speaker ruled that **HR 47** was a law-making resolution and it should be redrawn as a Concurrent Resolution.

Representative Wooley requested that he be recorded as voting "yea" on **HB 39.** Agreed.

Representative Holbrook announced he wished to co-sponsor **HR 48.**

Representative Kidd requested that she be recorded as voting "nay" on **HB 84.** Agreed.

**HR 49,** A RESOLUTION commending John Paul Jones and adjourning the House of Representatives on Friday, February 9, 1968, in his honor.

WHEREAS, John Paul Jones of Ashland has long served the veterans of his community by his unstinting efforts in behalf of the Clarence Fields Post No. 76 of the American Legion; and

WHEREAS, veterans throughout the Commonwealth share the benefits of such spirited devotion and jovial good will by one truly dedicated to the promotion of their welfare;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the House of Representatives hereby commends John Paul Jones and adjourns on Friday, February 9, 1968, in his honor.

Representative Halleck moved the adoption of **HR 49.** Agreed.

**Orders of the Day**

**HB 142** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the following Amendment to **HB 142:**

Amend printed copy of House Bill 142 on page 2, line 23, by: substituting a comma for the period at the end thereof, and adding the following: "while instruction or experiments are in progress."

Agreed.

On the roll call the vote was yeas 88—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clark, Coffey, Cox, Cruse, Curlin,

James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 142** as amended was passed and the title agreed to.

Representative Denham moved that the vote by which **HB 142** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HB 9** be deferred and that it retain its position in Orders of the Day. Agreed.

**SR 14** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**SR 14** was passed and the title agreed to.

**HB 226** taken from Orders of the Day and ordered read at

length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 60—Akers, Alexander, Allen, Bamberger, Blandford, Bleemel, Blume, Bruce, Coffey, Cox, Cruse, Curlin, DeMarcus, Denham, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Kidd, Lankford, Louden, Massey, May, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Saylor, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Wells, White, Wright. Nays 9—Baker, Ball, Floyd, Kessinger, King, Lawson, Melton, Russell, Sartin.

**HB 226** was passed and the title agreed to.

**HB 136** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McNamara moved the adoption of the Committee Amendment to **HB 136**. Agreed.

On the roll call the vote was yeas 72—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Bleemel, Blume, Blythe, Bowles, Bruce, Clark, Cox, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, McCallum, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Prather, Rattliff, Ray, Russell Reynolds, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, White, Wolchik, Wooley, Wright. Nays 0.

**HB 136** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB**

**136** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 181** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved that **HB 181** be laid on the table.

On the roll call the vote was yeas 9—Bruce, Irick, James, King, Lankford, Robert L. Miller, Prather, Rickert, Walters. Nays 56—Alexander, Allen, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe, Bowles, Coffey, Cox, Cruse, J. A. Davis, W. F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Keene, Keith, Lawson, Massey, May, McBrayer, McGill, McKinney, Melton, Mershon, Mitchell, Morgan, Peace, Pettit, Rattliff, R. Reynolds, W. J. Reynolds, Russell, Sartin, Simmons, Stuart, Tobin, Vanover, Wells, Wheeler, Wolchik, Wooley, Wright.

The motion that **HB 181** be laid on the table was rejected.

On the roll call the vote was yeas 67—Akers, Alexander, Allen, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe, Bowles, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Justice, Keene, Keith, Kidd, Lankford, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 5—Bruce, King, Prather, Rickert, Walters.

**HB 181** was passed and the title agreed to.

Representative Greer moved that the vote by which **HB 181** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 60** and **HB 228** be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Morgan moved that the House adjourn until 3:00 p.m., Tuesday, February 13, 1968.

On the roll call the vote was yeas 42—Akers, Baker, Bamberger, Bleemel, Bruce, Clapp, James A. Davis, Walter F. Davis, Harper, Hoffman, Holbrook, Hopkins, Irick, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, Mershon, Robert L. Miller, Morgan, Prather, Rattliff, Ray, Russell Reynolds, Rickert, Russell, Sartin, Schmidt, Simmons, Webster, Wheeler, White, Wooley. Nays 0.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 13, 1968

## THIRTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend Joseph D. Tyree, St. Peter's A.M.E. Church, Harrodsburg, Kentucky.

The roll was called. All present except Representatives Bowles, Denham, Henry, Justice, Saylor and Walters.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of February 9, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 340,** by Representatives Lawson, Mershon, Murphy, and Louden: AN ACT relating to a state sweepstakes.

**HB 341,** by Representative Mitchell: AN ACT relating to the right of counties having a population of 50,000 or more to levy, assess and collect license taxes.

**HB 342,** by Representatives Ratliff, Maddox, R. L. Miller, Simmons, Baker, Louden and J. Davis: AN ACT relating to parks.

**HB 343,** by Representatives Clapp and Maddox: AN ACT relating to county government.

**HR 50,** by Representatives Akers, May, W. J. Reynolds, Wolchik, Holbrook, Wheeler, Dawhare, McBrayer, Irick, Justice, Allen, Huff, Saylor, Halleck and Lankford: A CONCURRENT RESOLUTION requesting and petitioning the Kentucky Department of Highways to make U. S. Highway 23 a four-lane highway from Portsmouth, Ohio, to the Kentucky-Virginia line.

**HB 344,** by Representative James: AN ACT relating to the sales and use taxes.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 113, HB 31, HB**

**14** and **HB 13** had been examined and found correctly enrolled. **HB 113, HB 31, HB 14** and **HB 13** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 113, HB 31, HB 14** and **HB 13** delivered, signed by President. Ordered delivered to the Governor.

**Report of Committees**

The Committee on Appropriations and Revenue reported **HB 9,** with Committee Substitute attached thereto. Ordered placed in Orders of the Day.

**Committee Substitute HB 9,** AN ACT relating to general appropriations to the Legislative Research Commission for the operation, maintenance, support, and functioning of the Legislative Branch of government and its agencies of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART ONE

GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1968, and ending June 30, 1969, and for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the following sums:

1. GENERAL ASSEMBLY

A. *Legislative Sessions.*

1968-1969 ----------$ 90,000
1969-1970 ----------$880,700

Includes the publishing of the Acts and Journals. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

B. *Monthly Expenses of Legislators*

1968-1969 ----------$248,400
1969-1970 ----------$195,950

Includes monthly expense allowance authorized by the enactment of House Bill 32 of the 1966 General Assembly.

C. *Interim Committees*

1968-1969 ----------$ 50,000
1969-1970 ----------$ 50,000

Includes the expenses of interim operation of the House and Senate standing committees as subcommittees of the Legislative Research Commission as contemplated by the 1968 House and Senate Rules and under the authority of the Legislative Research Commission to appoint subcommittees pursuant to KRS Chapter 7. Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

D. *Majority Party Office*

1968-1969 ----------$ 25,000
1969-1970 ----------$ 25,000

Includes the staff and office expenses of a majority party office to be maintained by the Legislative Research Commission and to be under the supervision of the majority party members of the Legislative Research Commission. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

E. *Minority Party Office*

1968-1969 ----------$ 25,000
1969-1970 ----------$ 25,000

Includes the staff and office expenses of a minority party office to be maintained by the Legislative Research Commission and to be under the supervision of the minority party members of the Legislative Research Commission. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

I. TOTAL—GENERAL ASSEMBLY

1968-1969 ----------$ 438,400
1969-1970 ----------$1,176,650

II. OTHER THAN GENERAL ASSEMBLY

F. *Legislative Research Commission*

1968-1969 ..... $537,640
1969-1970 ..... $611,286

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

G. *Legislative Audit Committee*

1968-1969 ..... $ 80,000
1969-1970 ..... $100,000

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

H. *Speaker of House of Representatives.* For salaries and expenses of the Office of Speaker of the House of Representatives.

1968-1969 ..... $ 25,000
1969-1970 ..... $ 25,000

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

I. *Council of State Governments*

1968-1969 ..... $ 14,000
1969-1970 ..... $ 20,200

II. TOTAL – OTHER THAN GENERAL ASSEMBLY

1968-1969 ..... $656,640
1969-1970 ..... $756,486

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the Legislative Research Commission for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, all of the receipts from the sale of publications relating to Kentucky Revised Statutes and Administrative Regulations in addition to the $175,000 appropriation

made in House Bill 1 of the 1966 General Assembly and the unexpended balance for the fiscal year ending June 30, 1968. All deposits are to be made to the accounts of the following funds:

A. Statute Revision Printing Fund.

B. Administrative Regulations Fund.

GRAND TOTAL—LEGISLATIVE

1968-1969 ----------$1,095,040
1969-1970 ----------$1,933,136

The Committee on Appropriations and Revenue reported **HB 87** with the expression of opinion that the same should not pass.

The Committee on Appropriations and Revenue reported **HB 129** without expression of opinion.

The Committee on Labor and Industry reported **HB 48** with Committee Substitute attached thereto, and **HB 91** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 48,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 342.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury or occupational disease, such medical, surgical, *chiropractic* and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, or as may be required for the cure and treatment of an occupational disease, but not exceeding a total expense to the employer of thirty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employe in providing such treatments. In an

emergency, the employe may call in any available physician, [or] surgeon *or chiropractor* to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) However, further medical, surgical, *chiropractic* and hospital treatment may be ordered by the board upon application and sufficient showing of justifiable need therefor.

(3) Where a compensable injury or occupational disease results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of teeth, the employer shall initially furnish in addition to other medical, surgical, *chiropractic* and hospital treatment enumerated in subsections (1) and (2) of this section, a modern artificial member and where required proper braces.

Section 2. Section 342.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever an employe receives a personal injury which is or may be compensated under the Workmen's Compensation Law and said employe is examined or treated for such injury by a doctor, *chiropractor* or physician under the provisions of KRS 342.020 the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following said examination or treatment a copy of the report of the doctor, *chiropractor* or physician showing the nature and condition and effect of the employe's injury. Upon any future examination or examinations by a doctor, *chiropractor* or physician the employer shall cause to be furnished to the employe, if requested by him, and to the board, if required by it, immediately following such examination copies of the reports thereof containing the information mentioned above.

(2) If the employe should be examined or treated by any doctor *or chiropractor* of his own choosing the employe shall, immediately following said examination, cause a copy of the

report thereof to be furnished to his employer or to the board, if required by either.

Section 3. Section 342.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) If it is shown that the employer is furnishing the requirements provided by KRS 342.020 in such manner that there is reasonable ground for believing that the life, health or recovery of the employe is being endangered or impaired thereby, the board may order a change in the physician or other requirement. If the employer fails promptly to comply with such order after receiving it, the board may permit the employe or someone for him to provide the same at the expense of the employer under such reasonable regulations as may be provided by the board.

(2) No action shall be brought against any employer subject to this chapter by any person to recover damages for malpractice or improper treatment received by any employe from any physician, *chiropractor,* hospital or attendant thereof.

Section 4. Section 342.121 of the Kentucky Revised Statutes is amended to read as follows:

(1) If on a claim for compensation for disability resulting from a subsequent injury by accident or occupational disease any medical question shall be in controversy, or a determination thereof necessary to the proper apportionment of liability therefor, the board shall refer the case to a physician *or chiropractor* appointed by it for the purpose of investigating and reporting to the board on the medical questions involved. The physician *or chiropractor* shall make his report to the Workmen's Compensation Board in writing with respect to all medical questions at issue or necessary to the apportionment of disability between the subsequent injury and in the prior existing disability at the time of employment. The report shall show the date of prior disablement or latent, nondisabling disease, which, if in dispute, shall be deemed a medical question.

(2) The physician *or chiropractor* appointed as provided in subsection (1) of this section shall be allowed necessary traveling expenses and reasonable fees, to be fixed by the board to

each physician *or chiropractor* for making such examination and report, plus a reasonable allowance for expenses incurred in making such examination. The board may also allow traveling expenses to the employe. Such fees and expenses so approved by the board shall be paid out of the Special Fund.

(3) The physician *or chiropractor* shall, as soon as practicable after he has completed his consideration of the case, but not later than fifteen days after the examination of the employe, report in writing his findings [on every medical question in controversy]. The physician *or chiropractor* shall also include in his report a statement indicating the physician or physicians, *chiropractor or chiropractors,* if any, who appeared before him, and what, if any medical reports and X-rays were considered by him.

(4) The decision or award in the case shall conform to the findings and conclusions in such report insofar as restricted to medical questions; provided, however, that any such findings and conclusions may be set aside, reversed or modified, by the board's award or decision, in case an application for review is made to the board within ten days after the report is filed with the board and the interested parties notified, subject, however, to the following special provisions; no such findings of the physician *or chiropractor* shall be subject to review unless specific objections thereto shall be filed with the board by a party in interest within the time limited in which to apply for review of such report.

(5) The provisions of this section shall apply only to persons mentioned in KRS 342.120.

Section 5. Section 342.205 of the Kentucky Revised Statutes is amended to read as follows:

After an injury and so long as compensation is claimed, the workman, if requested by his employer or by the board, shall submit himself to examination, at reasonable time and places, to a duly qualified physician, *chiropractor* or surgeon designated and paid by the employer. The employe shall have the right to have a duly qualified physician, *chiropractor* or surgeon designated and paid by himself present at such examination, but this right shall not deny the employer's physician, *chiropractor* or

surgeon the right to visit the injured employe at all reasonable times and under all reasonable conditions. If an employe refuses to submit himself to or in any way obstructs such examination his right to take or prosecute any proceedings under this chapter shall be suspended until such refusal or obstruction ceases. No compensation shall be payable for the period during which the refusal or obstruction continues.

Section 6. Section 342.315 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board, or any member thereof, may, upon the application of either party or upon its own motion, appoint not more than three disinterested and duly qualified physicians, *chiropractors* or surgeons to make any necessary medical examination of the employe and to testify in respect thereto. Such physicians, *chiropractors* or surgeons shall file with the board within fifteen days after such examination their joint report in writing. The physicians, *chiropractors* or surgeons shall be allowed a reasonable fee to be fixed by the board and paid out of the Maintenance Fund, not exceeding seventy-five dollars for each examination and report, except that the board may allow additional reasonable amounts in extraordinary cases and the reasonable cost of X-rays, if any; the board may in its discretion allow a fee not in excess of twenty-five dollars for any deposition given by such physicians, *chiropractors* or surgeons.

(2) The party filing the motion for an examination shall pay the necessary and reasonable traveling expenses incurred by the employe in submitting to such examination. If the examination is ordered on the board's own motion, then such traveling expenses shall be paid out of the Maintenance Fund.

Section 7. Section 342.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) All fees of attorneys, *chiropractors* and physicians, and all charges of hospitals under this chapter, shall be subject to the approval of the board. No attorney fees shall be allowed or approved against any party not represented by said attorney, nor shall any attorney fee be allowed or approved exceeding an

amount equal to twenty percent of the amount recovered. The board may reduce the attorney's fee to an amount commensurate with the services performed, or may deny or reduce an attorney's fee upon proof of solicitation of employment.

(2) No attorney's fee in any case involving benefits under this chapter shall be paid until the fee is approved by the board, and any contract for the payment of attorney's fees otherwise than as provided in this section shall be void. The entire attorney's fee in a lump sum shall be paid directly to the attorney of record, and the board in allowing or approving an attorney's fee, as provided in this section, shall order the payment of same directly to the attorney, commuting sufficient of the final payments of compensation payable under the award to a lump sum for that purpose.

Committee Substitute to **HB 48** is as follows:

**Committee Substitute HB 48,** AN ACT relating to workmen's compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A Doctor of Chiropractic, licensed to practice under the provisions of KRS Chapter 312, shall have his services to employees covered by the workmen's compensation law paid for under the workmen's compensation provisions of KRS Chapter 342. An employee claiming benefits under the provisions of KRS Chapter 342 shall have the right to choose the services of a licensed Doctor of Medicine, Doctor of Chiropractic or Doctor of Osteopathic.

**HB 91,** AN ACT relating to firefighters.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Firefighters in cities of all classes shall receive one and one-half times the normal hourly wage for any and all hours worked in excess of the normal tour of duty as provided by statute or local ordinance.

The Committee on Highways and Traffic Safety reported **HB 82,** with Committee Substitute attached thereto, with the

expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 82,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 186.450 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a permanent operator's license, may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence, and such permit shall be valid for not more than sixty days. The permit holder shall have this permit in his possession and be accompanied by a licensed operator occupying the seat beside the operator at all times while operating a motor vehicle upon the highway.

*(2) Upon application by a person at least 15 years 6 months of age who is enrolled in a driver education and training course in school, which course includes practice driving and has been approved by the Department of Education, or licensed by the Department of Public Safety under KRS Chapter 332 the circuit court clerk may issue to the applicant a special school instruction permit, provided the applicant is qualified to obtain a license except for age and his lack of training in the operation of a motor vehicle and provided he can complete the driver education program not earlier than two months before he reaches the age of sixteen. Such permit is valid only for the duration of the course in which the permittee is enrolled and entitles the permittee while having such permit in his immediate possession to operate a motor vehicle within a designated area and only at times other than hours of darkness and only when an approved instructor is occupying a seat beside the permittee or he is accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle. After completing the course in practice driving the permittee while having such permit in his immediate possession may operate his parent's*

*or guardian's motor vehicle, but only at times other than hours of darkness and only while his licensed parent or guardian is occupying a seat beside him and there are no other passengers in the vehicle or while he is accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle. When the student attains the age of sixteen years he shall be entitled to the same privileges as any other operator holding a temporary instruction permit. Such permit shall be valid for a period not to exceed six months from date of issue.*

Section 2. Section 186.531 of the Kentucky Revised Statutes is amended to read as follows:

(1) The cost of operator's licenses and permits shall be as follows:

(a) The fee for an original or renewal license shall be two dollars;

(b) The fee for an instruction permit *or special school instruction permit* shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar.

*(2) In addition to the fees prescribed in section (1), there shall be a fee of fifty cents added to the cost of an original or renewal license, an instruction permit or special school instruction permit, and a duplicate license. These moneys shall be forwarded by the circuit court clerk to the Department of Revenue, which shall deposit them in a trust and agency account of the Department of Education, to be used for driver education.*

*(3)* [(2)] The circuit clerk shall retain fees pertaining to applications and license fees *established by subsection (1)* in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit *or special school instruction permit;*

(c) Fifty cents for preparing and acknowledging an ap-

plication for an instruction permit *or special school instruction permit;* and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

*(4)* [(3)] The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

**Committee Substitute HB 82,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 186.450 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a permanent operator's license, may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence, and such permit shall be valid for not more than sixty days. The permit holder shall have this permit in his possession and be accompanied by a licensed operator occupying the seat beside the operator at all times while operating a motor vehicle upon the highway.

*(2) Upon application by a person at least 15 years 6 months of age who is enrolled in a driver education and training course in school, which course includes practice driving when accompanied by an instructor approved by the Department of Education and which course has been approved by the Department of Education, the circuit court clerk may issue to the applicant a special school instruction permit, provided the applicant is qualified to obtain a license except for age and his lack of training in the operation of a motor vehicle. Such permit is valid only for the duration of the course in which the permittee is enrolled and entitles the permittee while having such permit in his immediate possession to operate a motor vehicle within a designated area and only at times other than hours of darkness and only*

*when an instructor approved by the Department of Education is occupying a seat beside the permittee or he is accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle. After completing the course in practice driving the permittee while having such permit in his immediate possession may operate his parent's or guardian's motor vehicle, but only at times other than hours of darkness and only while accompanied by an instructor approved by the Department of Education occupying a seat beside him and there are no other passengers in the vehicle or while he is accompanied by an authorized license examiner for the purpose of examining his ability to operate a motor vehicle. When the student attains the age of sixteen years he shall be entitled to the same privileges as any other operator holding a temporary instruction permit. Such permit shall be valid for a period not to exceed six months from date of issue.*

Section 2. Section 186.531 of the Kentucky Revised Statutes is amended to read as follows:

(1) The cost of operator's licenses and permits shall be as follows:

(a) The fee for an original or renewal license shall be two dollars;

(b) The fee for an instruction permit *or special school instruction permit* shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar.

*(2) In addition to the fees prescribed in subsection (1), there shall be a fee of fifty cents added to the cost of an original or renewal license, an instruction permit or special school instruction permit, and a duplicate license. These moneys shall be forwarded by the circuit court clerk to the Department of Revenue, which shall deposit them in a trust and agency account of the Department of Education, to be used for driver education.*

*(3)* [(2)] The circuit clerk shall retain fees pertaining to applications and license fees *established by subsection (1)* in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit *or special school instruction permit;*

(c) Fifty cents for preparing and acknowledging an application for an instruction permit *or special school instruction permit;* and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

*(4)* [(3)] The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

The Committee on Appropriations and Revenue reported **HB 130** without expression of opinion.

The Committee on Appropriations and Revenue reported **HB 98** with the expression of opinion that the same should not pass.

The Committee on Appropriations and Revenue reported **HB 261** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 261,** AN ACT relating to property taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 132.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Deposits belonging to a resident of Kentucky in any national bank not of this state or in any bank, trust company, or combined bank and trust company not organized under the laws of this state and unmanufactured tobacco insofar as it is subject to taxation by KRS 132.190 and 132.200 shall be listed, assessed and valued as of September 1 of each year. Money in hand shall be listed, assessed, and valued as of September 1 of each year. Shares of stock, notes, bonds, accounts, and other credits, whether

secured by mortgage, pledge, or otherwise, or unsecured, and all interest in such property, unless otherwise provided by law shall be listed, assessed, and valued as of the beginning of business on January 1 of each year. All other taxable property and all interest in other taxable property, unless otherwise specifically provided by law, shall be listed, assessed, and valued as of January 1, 1962, and January 1 of each year thereafter. It shall be the duty of all persons owning or having any interest in any property taxable in this state to list or have listed such property with the county tax commissioner of the county where it is located, between January 1 and March 1 in each year, except as otherwise provided by law. All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Any taxpayer who has a reasonable excuse for not listing his property before the county tax commissioner or his deputy may appear before any person authorized to administer an oath and make the necessary affidavit required by the schedule as to the value of his property and may then return the schedule to the county tax commissioner. This shall be a compliance with the law in his particular case.

(3) Real property or any interest therein shall be listed in the taxing district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the county tax commissioner shall nevertheless assess it. The county tax commissioner may swear witnesses in order to ascertain the person in whose name to make the list.

(4) Real property shall be assessed in the name of the owner, if ascertainable by the tax commissioner, otherwise in the name of the occupant, if ascertainable, and otherwise to "Unknown owner." The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person without designating them by name.

(5) Beginning in the year 1951, all real property exempt from taxation by Section 170 of the Constitution shall be listed with the county tax commissioner in the same manner and at the same time as taxable real property. The county tax commissioner

shall maintain an inventory record of such tax exempt property, but such property shall not be placed on the tax rolls.

*(6) (a) The county tax commissioners under the direction of the Department of Revenue shall review annually the real property claimed to be exempt from taxation by Section 170 of the Constitution and listed under subsection (5) and shall place on the tax rolls those properties which are not expressly exempt by the Constitution or by case law.*

*(b) The real properties exempted under Section 170 of the Constitution are public property used for public purposes; places of religious worship; parsonages or residences owned by a religious society and occupied by their minister as a home; institutions of purely public charity; nonprofit educational institutions; public libraries; household goods of a person used in his home; places of burial not held for profit; and crops grown in the year assessment is made, and in the hands of the producer.*

*(c) Failure of the tax commissioners to comply with this provision will result in the imposition of the penalty set out in KRS 132.990.*

## Calendar

**HB 234** with Committee Amendment attached thereto, **HB 255, HB 107, HB 122, HB 215** and **HR 43** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

The clerk read the following communication in regard to Col. Paul J. Durbin and introduced him to the members of the House of Representatives:

Col. Paul J. Durbin—Fulton, Kentucky, retiring this month from active military service as a Colonel of the regular Army Judge Advocate Generals' Corps—returning to Fulton, Kentucky, to resume practice of law.

He is a graduate of the University of Kentucky College of

Law and a former member of the Kentucky Railroad Commission.

Col. Durbin has just returned from a second two-year tour of duty in South Vietnam.

Of his 25 years of active service, he has over six years in active combat theatres including three campaigns as an infantry officer, in World War II, and Korean service during 1950-1951—and four years service in South Vietnam.

He is a Senior Parachutist, having served with the 82nd and 101st Airborne Divisions, was awarded the Bronze Star on four different occasions and upon his recent departure from Vietnam was personally awarded the Legion of Merit by General Westmoreland. His other decorations include the Combat Infantry Badge.

It has been said that Colonel Durbin's service and travel in South Vietnam, and his knowledge of that area is probably second only to that of General Westmoreland.

Representative John Y. Brown appeared before the House and presented his traditional Lincoln Day address.

**HR 51,** by Representatives DeMarcus and Floyd: A RESOLUTION adjourning the House of Representatives on Tuesday, February 13, 1968, in memory of Roscoe C. Tartar.

WHEREAS, Judge Roscoe C. Tartar of the Circuit Court of Pulaski and Rockcastle Counties, beloved uncle of Senator John Sherman Cooper, has departed this earthly life; and

WHEREAS, Judge Tartar served 22 years as judge of said circuit court in addition to 20 years as County Judge of Pulaski County; and

WHEREAS, this honorable gentleman himself was a member of this House of Representatives; and

WHEREAS, Kentuckians of every station must sorely be grieved at the passing of so dedicated a public servant;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns on Tuesday, February 13, 1968, it does so in memory of Roscoe C. Tartar.

Section 2. That the Clerk be directed to transmit a copy of this resolution to the family of Roscoe C. Tartar and to Senator John Sherman Cooper.

Representative DeMarcus moved the adoption of **HR 51.** Agreed.

Representative Ballenger moved that Representative C. R. Miller be made co-sponsor of **HB 201.** Agreed.

**Orders of the Day**

Representative Morgan moved that consideration of **HR 9** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 207** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Coffey, Cruse, Curlin, Walter F. Davis, Dawhare, Floyd, Greer, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Rattliff, Richey, Russell, Siemens, Simmons, Stuart, Tobin, Webster, Wells, White, Wright. Nays 2—Cox, W. J. Reynolds.

**HB 207** was passed and the title agreed to.

Representative Clapp moved that the vote by which **HB 207** was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker vacated the Chair. Speaker Pro Tem McBrayer presiding.

Representative Morgan moved that **HB 211** be taken from Orders of the Day and placed upon its passage.

Representative Blume moved that **HB 211** be recommitted to the Committee on State Government.

On the roll call the vote was yeas 42—Akers, Alexander, Allen, Baker, Blume, Brown, Clark, Cox, Curlin, Walter F. Davis, Dawhare, Hardin, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, James, Jones, Kidd, Lankford, Lassiter, Louden, Maddox, Massey, May, McGill, Mershon, Mitchell, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Rickert, Siemens, Simmons, Tobin, Vanover, Webster, Wooley. Nays 27—Arnett, Ball, Blandford, Blythe, Cruse, J. A. Davis, DeMarcus, Floyd, Greer, Harper, Hinkle, Hoe, Johnson, Keith, Kessinger, King, McKinney, R. L. Miller, Murphy, Rattliff, Richey, Russell, Schmidt, Stuart, Wesley, White, Wright.

The motion that **HB 211** be recommitted to the Committee on State Government was adopted.

Representative Morgan moved that consideration of **HB 60** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 228** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit,

Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 228** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 228** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HR 33** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Pettit moved that Representative Ball be made a co-sponsor of **HB 337**. Agreed.

**Recess**

Representative Morgan moved that the House recess until 6:30 p.m., Tuesday, February 13, 1968. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the House resolve itself into a Committee of the Whole to go into Joint Session. Agreed.

**Joint Session**

The Speaker vacated the Chair, whereupon the Honorable Wendell H. Ford, Lieutenant Governor and President of the Senate, assumed the Chair and called the Joint Session to order.

Prayer by Reverend J. Carter Roberts of the Church of the Nazarene, Frankfort.

Senator Davis, Representatives Cruse, Kidd, McNamara and Wolchik, appeared with His Excellency, Louie B. Nunn, Governor of the Commonwealth of Kentucky, who addressed the Assembly as follows:

GOVERNOR FORD, MR. SPEAKER, LADIES AND GENTLEMEN OF THE SENATE AND HOUSE;

We meet here tonight in common cause—the people's business.

We meet to consider the condition and the course of their government.

What we do here—or what we may fail to do here—will touch the lives and well-being of every citizen of this Commonwealth.

We are—for better or worse—part of the life of every Kentuckian.

Together—we hold in our hands their welfare; we represent their interests.

Together—we must exercise leadership, courage, and compassion in the conduct of their business.

The immediate problems and the compelling issues which face our people are not partisan in nature or solution.

There is no time for individual or party politics.

The implications are too great for facts to be colored—or for games to be played.

Those here of goodwill and serious intent know this to be true.

So—let us work together—not in partisanship, but in partnership—proper partners in the goal and purpose of every man: comfort for the old, food for the needy, health for the sick, education for the young, opportunity for all.

Kentucky's problems are many—the answers are not easy ones.

**BUDGET:** The preparation of the Executive Budget rests, by law, upon the Chief Executive.

Its review, by law, rests upon this General Assembly.

Its fairness and its adequacy—will be the measure of our stewardship.

The preparation of budget recommendations meets my obligation under the law.

But there is the further obligation that I fully explain to you —and to all the people—the programs the budget contains, the decisions it represents, the sacrifices it requires.

The budget I lay before you tonight meets the standard of fairness and equity.

It reflects a realistic assessment of the world in which we live.

It combines progress with economy.

It is testimony to the erosion which inflation imposes upon public services.

It reminds us of the high cost of public borrowing.

It shows the interrelation of the State and Federal Government.

It is a human investment plan—not just for two years—or four—but a long-range plan for Kentucky's future.

In this budget, you will find the human faces of Kentucky.

In its pages are the faces of children who depend upon it for their education; the faces of young men and women who depend upon this budget for their university and college education; the faces of our ill and aged who depend upon this budget for the hopes of health and life itself; the faces of those who tremble in fear of those who hold our laws in contempt; the faces of our mentally ill and retarded who find in this budget the gift of hope.

From the richest and most self-sufficient to the poorest and most helpless—each and every Kentuckian has a stake in this human document.

**EDUCATION:** Its major focus is very properly upon education—the promise and future of the young.

This is as it should be, as it must be.

From vocational schools to the state-supported universities, from the Minimum Foundation Program to the Teachers Retirement Fund, from educational television to schools for the blind

and the deaf, this budget accepts the challenge confronting us.

It acknowledges that we must move ahead to keep from falling still further behind.

Its major thrust is that there is no economy in retreat.

This budget contains the first increases for school operating expenses and capital outlay allowances in the last eight years.

It honors our obligations to the Teachers Retirement System and to appropriate salary increases.

It signals the beginning of statewide educational television in the fall of this year. Twelve transmitting stations, spanning the Commonwealth, will enrich the training and instruction of our children. Four and one-half million dollars are required to operate this program during the next two years.

This is one of many programs committed but for which no revenue had been provided to pay the cost.

This budget recognizes that the number of college students will continue to grow, and, in acknowledgement of the premium we all place on quality higher education, it provides for the increasing costs of increasing enrollments.

It recognizes the long-term economy of investing 170 million dollars in the next two years to enable Kentucky's sons and daughters to attend our six major institutions.

And it recognizes, too, the need to invest 6 million dollars in the Universiy of Louisville, to assist during the pending merger.

This budget honors Kentucky's commitment to community colleges and special training opportunities.

It furnishes low-interest loans to deserving students.

It includes funds for long-range planning to meet future community and four-year college needs.

And it permits operation of all vocational schools which have been constructed.

It strengthens the state library program and enables the

department to supply "talking books" and braille literature for some 2,500 blind persons.

This budget includes increased funding for the School for the Blind, the School for the Deaf, and the Lincoln School for exceptional children.

It increases the provision for special training for the handicapped child.

In the field of education, as throughout the entire budget, we have employed a sense of restrained urgency to enable this government to provide these services which are available from no other source.

To accomplish these objects, 936 million dollars are required in the next two years. This is approximately 66½% of the total general fund budget.

**HEALTH-WELFARE:** To meet the needs of welfare and health, the budget continues the public assistance payment programs and meets our estimated obligations in the medical program.

And I am certain that you will take pleasure, too, in noting that the increases proposed for our mental health and retardation programs go substantially beyond anything we have done before.

Appropriations recommended are 23.2% greater than those for the last two years, but surely you will agree that conscience no longer permits us to turn away from the afflicted and the anguished in our institutions.

Funds are included to bring minimum salaries to $285 per month, and salaries for all personnel involved in patient care to a minimum of $300 a month.

These modest increases for 2,100 dedicated and devoted employees will show your appreciation for better care and attention to the afflicted.

The budget includes funds during the biennium to repair and modernize hospital facilities.

It requires 549 million dollars for the biennium to meet our

obligations and needs in this area of deep concern without considering construction, renovation and other improvements.

Recommended appropriations for education, health, and welfare amount to 83 percent of the budget.

This attests to our deep and troubled concern for the people of Kentucky.

**DEVELOPMENT:** Provisions have been made for Kentucky's continued economic development, for agriculture, for better police protection and security, for better recreation facilities.

Funds are recommended for the industrial development authority.

Sixteen new and enlarged airports are suggested, and the Department of Commerce is funded to assure long-range planning and close cooperation with the local communities for industrial expansion.

In order that each Kentuckian shall share in the recreational facilities, State funds are recommended to match Federal funds to assist local communities in providing better community park facilities of their own.

The completion of two new State parks now under construction is included.

In the area of agriculture—the State's largest industry—added funds for soil conservation districts and the equipment loan fund are included in the recommended budget.

Additional money must be provided in the Department of Agriculture in order that the Hopkinsville Livestock Laboratory may become fully operative.

These investments in Kentucky's future development and growth will pay dividends from today's investments of 66 million dollars for this biennium.

**ROADS:** Few investments pay better community dividends than do good roads.

Kentucky has made progress, but much remains to be done.

Maintenance and debt costs for Kentucky's present roads threaten to cripple the entire road-building schedule within a few months.

Rural roads will require 25 million dollars during the biennium.

Debt on the interstate and toll road bonds *will increase 22 million dollars* during the next two years.

Maintenance costs will increase by 11 million dollars.

The road construction schedules call for spending 446 million dollars during the next two years.

In recent years, bond funds have been available to match Federal grants for highway construction.

However, remaining bonds are insufficient to complete the interstate and Appalachian road systems.

The new budget will allocate 36 million dollars in road fund revenue to match the Federal grants and will mark the first time in a decade that tax funds have been utilized for Federal matching to a significant degree.

This budget proposes to halt the diversion of 3 million dollars each year from the Road Fund to other agencies.

The total road program requires appropriations of 758 million dollars for the next two years. I believe you will hold this to be a wise investment.

**SAFETY:** Law and order and highway safety are placing new demands upon all law enforcement agencies.

Neither dollars nor effort can be withheld if we are to remain protected and secure in our homes and upon our streets.

The budget recognizes these demands and provides for an increase of the State Police force—by thirty additional troopers in each of the next two years.

It contemplates connecting the National Crime Information System to the Regional Troop Headquarters and establishment of a State Bureau of Investigation.

**GENERAL GOVERNMENT:** In the area of general government services, appropriations are recommended to allow for improvements in financial management and revenue administration.

We recommend improvements in the recruiting services provided by the Department of Personnel to insure that technically qualified young people are attracted to careers in the public service.

A new salary schedule is recommended for our court system to insure that the highest type individuals can afford to serve the cause of justice.

The recommended appropriation for the Legislative Branch will allow for needed and worthwhile reform and improvements, which we all desire.

The amount contained in the budget bill is precisely the amount the Legislative Branch suggested for its proper and independent operation.

I have placed items appropriating money for the General Assembly and its agencies in the executive budget to assure continued operation of these necessary functions.

I have no objection to the Legislature developing its own realistic budget, and even today have shown this by signing House Bill 47.

**NEW FACILITIES:** For the first time in many years, the budget proposed to you makes a modest but realistic provision for the building and maintenance needs of state institutions.

The major item recommended is 9 million dollars for the construction of a new mental retardation institution. Few needs within this Commonwealth cry out so desperately or so convincingly as the facilities of the Frankfort State Hospital and School.

A new education facility is recommended for the School for the Blind; a primary-grade classroom and dormitory building at the School for the Deaf.

This is necessary to eliminate the need for the younger chil-

dren with impaired hearing to cross a busy city street several times daily to get to and from their classes.

New facilities for Child Welfare and a modern and complete vocational rehabilitation center are recommended.

Six hundred thousand dollars is recommended to continue building highway-fill lakes so important to industrial and community development.

Also recommended is an Animal Disease Diagnostic Laboratory to serve the Eastern and Blue Grass livestock producers.

All of the recommendations call for a drastic shift in the direction of more pay-as-we-go financing. While I cannot hope to halt the practice of public borrowing, I am determined with your support to reverse the tide and slow the rate at which the State incurs debt against future generations.

The General Fund appropriations recommended for capital improvements total 24 million dollars, a minimum amount in terms of agency needs, but a modest amount in terms of recent outlays.

**EFFICIENCY:** We are and must be committed to operate the government with due and careful regard for the tax dollar.

We must establish a sound fiscal base for this government and operate it in a businesslike manner.

A task force of businessmen—at no cost to the state—is busy reviewing governmental procedures. I intend to economize wherever possible without impairing needed public services.

**TAXES:** I stated, as did others, that I could operate this government within existing revenue.

But since then, it has since been revealed that the financial resources (the estimated revenues plus surplus) would be 24 million dollars less than originally anticipated.

More recent estimates reveal the shortage will total approximately 28 million dollars.

As you are aware, there are other problems that bear heavily upon us:

—Inflation will result in approximately a 4% increase in the cost of goods and services purchased by the State.

—Enactment by the Federal government of increased social security payments will deprive us of taxable income.

—There are programs committed by other legislatures but not funded by them.

—Fixed obligations, as well as the increased cost of expanded programs, add to the burden.

It can be said in all honesty that we would need an additional 40 million new dollars in order to maintain our present level of services—in order to stand still.

Without a tax increase, services and programs would have to be reduced or eliminated to that extent.

No progressive, concerned, conscientious citizen would want our State to retreat.

Surely no one would want less than we now have.

When we compare our State with other states, we embarrassingly find ourselves rated near the bottom in most measurements of human progress.

If we want—and if we are to have—the services enjoyed by the citizens of other states, then we the people of the Commonwealth must pay as citizens of the other states pay.

A careful analysis of the State's present revenue structure reveals it can no longer produce the resources necessary to meet the requirements of public programs and services.

It is necessary that I recommend certain changes in the tax laws for your consideration and action.

I have, with the best experts available, for many days and long hours, reviewed our tax structure and economic outlook.

The facts are these:

—In only 4 states is the per capita state and local tax less than in Kentucky.

—48 of the 50 states have had one or more tax increases since the last increase in Kentucky.

—In only 8 states is the total state and local tax as small a part of personal income as it is in Kentucky.

—In only 4 states is the state and local property tax less percent of personal income than in Kentucky.

—In only 1 state is the auto license fee less than in Kentucky.

Statistics reveal that the gasoline tax, the corporate tax, the individual income tax in Kentucky are comparable to those in many states.

And these taxes must remain constant if we are to compete with other states for greater industrial development and greater economic growth.

We must first consider our present position and give immediate attention to the remainder of this fiscal year.

In my first and only appearance before you, I spoke solemnly of our financial crisis.

The 24 million dollar cutback directed by Governor Breathitt, the cancellation of many personal services contracts, the several improvements suggested by the Efficiency Task Force, other savings and cutbacks directed by me in the 60 days I have been here, are still not adequate to meet the revenue deficit.

We must have several million dollars more than will be realized from present revenues for a balanced budget in this fiscal year as required by law.

For this reason, I am requesting that the revenue measure which I am submitting to you tonight, become effective on April 1st of this fiscal year.

Unless this is done and an adequate amount of revenue is made available by that date, I shall have no alternative but to suspend, curtail or possibly eliminate for the balance of this fiscal year the medicaid program, old age benefits, public assistance, educational programs, and, perhaps, other public services.

The unfortunate circumstances of many who will lose these

services cause them to look to us—and, as I have said before, I cannot look away.

This is not a crisis created by me—nor a crisis created by you—yet it is a most serious and critical condition which you and I must resolve.

In preparing a revenue plan, consideration was given to all forms of taxation.

We considered many factors:
Its effect on the individual—
Its effect on the economic structure—
Our competitive position among other states—
The balance of the entire revenue system—
The convenience and expense of administration—
The extent to which non-residents of Kentucky would bear a part of the burden.

And we asked ourselves which plan would provide the amount of revenue necessary to meet the needs of the citizen.

Which would do the job most equitably?

After long hours of work, consultation with the best minds available, comparative and analytical research, deliberate and prayerful consideration—I have concluded that a tax increase is absolutely necessary and that an increase in the sales tax, from 3 to 5 cents would better meet the guidelines than any other plan which I might recommend.

In order to continue an essential and acceptable road program it was determined that funds could best be provided by recommending an increase from $5 to $12.50 for motor vehicle licenses.

I should also point out that because of possible Federal tax enactment—stability must be provided in regard to State income tax deductions.

I respectfully ask you to approach this most monumental task with courage and conviction to do that which must be done.

These are my recommendations to you. I have now drained the bitter cup.

The burden passes from me to you.

Technicians in the Finance Department and the Revenue Department, as well as department heads, are available to you for consultation and advice.

They are available to your committees as you may see fit to use them.

I hope and I believe you will exercise the responsibility that is expected of you and all of us by the citizens of our beloved Commonwealth.

My fellow Kentuckians, would you have me do what is politically expedient or would you have me do what is best for the well-being of all our people?

I have done what the time, circumstances and conditions demand I do.

To do otherwise, I would not be worthy of the office I hold.

Let us reaffirm to ourselves—let us recommit to those we serve—let us proudly proclaim to all men everywhere—that we are willing to undertake any labor—to make any sacrifice in order that the future of our Commonwealth may be secure; that our State and its people will have productive and happier futures.

May God bless you and help you to do that which appears to you to be right.

Representative Morgan moved that the Joint Session be dissolved. Agreed.

The Speaker resumed the Chair and called the House to order.

Representative Morgan moved that the Rules be suspended for Introduction of Bills. Agreed.

**Introduction of Bills and Resolutions**

**HB 345,** by Representatives Russell, Henry and Johnson: AN ACT relating to voting machines.

**HB 346,** by Representative Riddle: AN ACT relating to insurance.

**HB 347,** by Representative Riddle: AN ACT relating to dangerous drugs.

**HB 348,** by Representative Riddle: AN ACT relating to the filing of information as proof of financial responsibility.

Representative Morgan rose to a point of order on whether or not a bill under the Rules of the House may be introduced which relates to more than one subject.

The Chair ruled the point well taken and that under the Rules of the House such a bill could not be introduced.

Representatives Wheeler and Harper appealed the ruling of the Chair.

**Recess**

Representative W. J. Reynolds moved that the House recess for fifteen minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

The Speaker vacated the Chair. Speaker Pro Tem McBrayer presiding.

On the roll call the vote was yeas 53—Akers, Alexander, Allen, Arnett, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Keene, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Rickert, Saylor, Siemens, Tobin, Walters, Webster, Wells. Nays 38—Baker, Ball, Ballenger, Bamberger, Blythe, Bowles, Coffey, Cruse, J. A. Davis, W. F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hoe, Huff, Jones, Keith, Kessinger, Lawson, McKinney, Melton, Peace, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Smith, Stuart, Vanover, Wesley, Wheeler, Wolchik, Wooley, Wright.

The ruling of the Chair was sustained.

The Speaker resumed the Chair.

Representative McBrayer moved that the Rules be suspended for the introduction of a Bill. Agreed.

**Introduction of Bills and Resolutions**

**HB 349,** by Representatives McBrayer, Hunt, Hoffman, W. J. Reynolds, Blume, Mershon, Hampton, Lankford and May: AN ACT relating to primary elections.

Representative Ballenger moved that the House adjourn until 1:00 p.m., Wednesday, February 14, 1968.

On the roll call the vote was yeas 54—Alexander, Allen, Baker, Blandford, Bleemel, Blume, Brown, Bruce, Clapp, Cox, James A. Davis, Walter F. Davis, Dawhare, Greer, Hampton, Hardin, Harper, Hinkle, Holbrook, Hopkins, Hunt, Irick, Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Smith, Tobin, Wheeler, White, Wooley. Nays 10—Arnett, Blythe, Halleck, Hoe, Hoffman, Huff, James, Massey, Schmidt, Siemens.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 14, 1968

## THIRTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Msgr. Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The Roll was called. All present except Representatives Floyd, Huff, Keene, Sartin and Saylor.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 13, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 350,** by Representatives Siemens, Halleck, McGill, Vanover, C. R. Miller, Cruse, Jones, Baker, Lawson, Blume and Cox: AN ACT relating to plumbers and plumbing.

**HB 351,** by Representative Akers: AN ACT providing that coin operated amusement machines shall not be considered as gambling devices.

**HB 352,** by Representative Curlin: AN ACT relating to the Kentucky State Board of Health.

**HB 353,** by Representative Hoe: AN ACT relating to armed offenses.

**HB 354,** by Representative Louden: AN ACT relating to the regulation of the cleaning and servicing of septic tanks, seepage pits and cesspools.

**HB 355,** by Representative Lassiter: AN ACT relating to police and firemen in cities.

**HB 356,** by Representative Wells: AN ACT relating to use of school property for public purposes.

**HB 357,** by Representatives Hunt, W. J. Reynolds, Morgan,

Wright, Ballenger, Blume and Hoffman: AN ACT relating to county and city-county boards of health.

**HB 358,** by Representative Curlin: AN ACT relating to ordinances of cities of the second class.

**HB 359,** by Representative Curlin: AN ACT relating to group life insurance for county employes.

**HB 360,** by Representatives Halleck, Blume, Siemens, Ballenger, Wolchik, R. L. Miller, Murphy, J. Davis and McBrayer: AN ACT relating to aviation, and declaring an emergency.

**HB 361,** by Representative Webster: AN ACT relating to the powers of cities to establish within urban renewal and redevelopment areas related governmental and commercial projects which are designed to renew and redevelop said areas, and providing inducements to private enterprise to participate in such projects.

**HB 362,** by Representative King: AN ACT relating to railroads.

**HR 52,** by Representative Curlin: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study and report on local intergovernment cooperation in Kentucky.

**Report of Committees**

The Committee on State Government reported **HB 213, HB 217, HB 205,** and **HB 177** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 213,** AN ACT relating to construction of National Guard Facilities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 36.082 is amended to read:

(1) This section may be cited as the National Guard Facilities Construction Act.

(2) The purpose of this section is to provide funds for the construction of National Guard facilities at the following locations, at the estimated cost shown:

| Location | Facility | Estimated Cost | |
|---|---|---|---|
| | | Expected Federal Funds | State Funds |
| Louisville | Maintenance Shop | $ 75,000 | $ 6,000 |
| Hickman | Armory | 210,000 | 80,000 |
| Lexington | Armory | 340,000 | 145,000 |
| Lexington | Maintenance Shop | 75,000 | 6,000 |
| Frankfort | Aviation Maintenance Shop | 85,000 | 6,800 |
| Ravenna | Armory | 190,000 | 75,000 |
| Russellville | Armory | 170,000 | 70,000 |
| Frankfort | Department of Military Affairs Building and State Government Emergency Operations Center | 250,000 | 470,000 |
| TOTAL | | $1,395,000 | $858,800 |

Any of these facilities may be constructed at such other locations at which National Guard units may be established.

(3) Proceeds from the sale of facilities now held by the Department of Military Affairs which are obsolete or surplus to the needs of the Department shall be deposited to the Capital Construction Fund to the credit of the Department of Military Affairs. Such amounts credited and such additional funds as are available for general use within the Capital Construction Fund may be used to carry out the provisions of this section. Any unexpended balances remaining at the close of [1966-67 fiscal year shall not lapse, but shall continue into the 1967-68 fiscal year.] *a fiscal year, shall not lapse, but shall carry forward into subsequent fiscal years.* Upon certification by The Adjutant General that any project as listed in subsection (2) of this section is not supported by federal funds on a timely basis, the corresponding state funds may revert to the Capital Construction Fund for general use.

**HB 217**, AN ACT relating to daily rates of pay for members of the Kentucky National Guard employed in active State Service.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 38.205 of the Kentucky Revised Statutes is hereby created to read as follows:

Except when in the service of the United States, officers and enlisted men, when employed in active State Service, beginning with the day they assemble at their armories or other designated places until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the same rate as though serving on active duty as a member of the Armed Forces of the United States. Members of the Kentucky National Guard may, however, with their consent, be ordered to active State Service in a non-pay status.

Section 2. Section 38.200 of the Kentucky Revised Statutes is repealed.

**HB 205**, AN ACT relating to benefits for death or permanent disability of police officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, "Police officer" means every full time police officer who works not less than forty hours per week, employed by any county or city or by the state.

Section 2. The spouse of any police officer whose death occurs as a direct result of an act in the line of duty shall receive a lump sum payment of five thousand dollars, which sum shall be paid by the State Treasurer from the General Expenditure Fund of the State Treasury. If there is no surviving spouse, the payment shall be made to the surviving children.

Section 3. In the event a police officer is totally and permanently disabled as a direct result of an act in the line of duty,

he shall receive the same payment as provided in Section 2 of this Act. Permanent and total disability means such disability as defined in KRS 16.580.

Section 4. The benefits payable under this Act are in addition to any benefits now or hereafter provided under any police retirement or benefit fund established by the state, county or any municipality.

**HB 177,** AN ACT relating to the extension of veterans preference under the State Merit System for wives, widows, or mothers of certain living or deceased veterans who are seeking State employment.

WHEREAS, the Kentucky State Department of Personnel, in consideration of the Veterans Preference Act of 1944 as enacted by the Congress, does now grant veterans preference in State employment to all honorably discharged veterans by awarding to those who qualify as eligible for a position five points on any passing score if they served during a period of hostilities; ten points being added to the passing score if they are receiving disability compensation for a war incurred disability; and

WHEREAS, the Federal government extends this preference to the wives, widows, or mothers of disabled or deceased veterans; and

WHEREAS, the wives, widows, and mothers so identified often have the economic responsibility of caring for the family under precarious circumstances; and

WHEREAS, many of the wives, widows, or mothers require employment to provide basic necessities for their families; and

WHEREAS, many of the wives, widows, or mothers have had training which would highly qualify them for State employment, thus providing the State with an economic asset;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

(1) That the wife of a 10 point veteran whose service-

connected disability disqualifies him for positions along the general line of his usual occupation be entitled to 10 point preference.

In such a case, the wife loses her right to preference if the husband recovers. Also, if the husband's military service was peacetime service, she loses her right to preference if he dies.

(2) That until she remarries, the widow of an honorably separated veteran who served on active duty during any war, or during the period April 28, 1952, through July 1, 1955, or in a campaign or expedition for which a United States campaign badge or service medal was authorized be entitled to 10 point preference. This includes the widow of a man meeting any of these service requirements who died while in the armed forces, unless the circumstances surrounding his death would have been cause for other than honorable separation.

(3) That the mother of a veteran who lost his life under honorable conditions while on active duty in a war or in a campaign or expedition for which a campaign badge or service medal has been authorized, or during the period April 28, 1952, through July 1, 1955, or who became permanently and totally disabled because of a service-connected disability, be entitled to 10 point preference provided that she is widowed, divorced, or separated from the father of the veteran, or the father is permanently and totally disabled. An otherwise eligible mother who has remarried may be granted preference only if, with reference to the subsequent marriage, her husband is permanently and totally disabled, or she is divorced or legally separated, or she has been widowed.

Committee Amendment to **HB 177** is as follows:

Amend printed copy of House Bill 177 on page 2, line 1, by:

striking out the words "10 point veteran" and inserting in lieu thereof the words: "Veteran of the armed forces of the United States who would be eligible for a 10 point preference, and"

and on page 3 line 9, by inserting after said line the following:

"(4) As used herein, "10 point preference" means the greatest number of points preference in examination for a position in the state service allowable under subsection (4) of KRS 18.210 to persons having served in the armed forces of the United States."

The Committee on State Government reported **HB 109** and **HB 290** with the expression of opinion that the same should not pass.

The Committee on Banking and Insurance reported **HB 250, HB 285,** and **HB 286** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 250,** AN ACT relating to disclosure of charges in connection with extension of credit.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Kentucky General Assembly finds and declares that economic stabilization would be enhanced and that competition among the various financial institutions and others regularly engaged in the extension of consumer credit would be strengthened by requiring a full and comparable system of disclosure of credit charges in dollars and as a simple annual percentage, so the average consumer can decide for himself whether the charge is reasonable. The Kentucky General Assembly also finds and declares that the consumer is faced with a number of credit disclosure practices in Kentucky, none of which is directly comparable to one another.

The purpose of this Act is to permit consumers to easily compare the costs of credit and shop more effectively for the best credit buy and thereby to promote the wiser use of consumer credit. It is the further purpose of this Act to protect the honest businessman from unscrupulous and unethical competition by requiring all creditors to disclose the cost of credit in a uniform manner.

Section 2. In this Act, unless the context otherwise re-

quires, the following words shall have the following meanings:

(1) "Annual finance charge formula," the method for converting a dollar finance charge into a percentage rate. The formula assumes that (a) all scheduled installments of a credit transaction are equal, payable at equal intervals, and fall on due dates which are the same day of each month or other payment period as that on which the agreement is entered into and (b) the debtor makes all payments at the times and in the amounts scheduled. Based upon these assumptions, the "annual finance charge formula" is:

$$R = \frac{2\,PC}{A\,(N+1)}$$

R equals the percentage rate. P equals the number of payment periods in one year (always twelve if monthly payments, four if quarterly payments, and fifty-two if weekly payments). C equals the finance charge. A equals the principal balance to be paid by the debtor. N equals the number of installments. Except as otherwise provided, a variance tolerance of one per cent per annum in the percentage rate is hereby authorized in computations under this formula.

(2) "Base amount," the amount in a credit transaction in dollars of which the debtor will have the actual use, or which will be or is paid to the debtor or to another person on behalf of the debtor or from which additional costs, charges and fees are computed.

(3) "Closed-end credit," a credit for a specified amount which amount (a) constitutes a combination of the base amount, permitted charges which are charged to the debtor and the precomputed finance charge and (b) is payable in installments. The term includes any credit transaction in which the finance charge is precomputed, added on or discounted or where the amount of the planned interest is ascertainable at the time of the execution of the agreement, but does not include a home mortgage in which the finance charge is not precomputed and stated as a dollar amount but is determined by the periodic application of a rate of finance charges to outstanding balances of the credit.

(4) "Department," the Department of Banking and Securities.

(5) "Commissioner," the commissioner of the Department of Banking and Securities.

(6) "Credit transaction," an extension of credit or a loan evidenced by an agreement, promissory note or other instrument whether secured or not, under the terms of which a debtor undertakes or agrees to pay the debt at a stated time or over a period of time and for which the debtor pays or agrees to pay a finance, carrying or other charge.

(7) "Creditor," the person who extends credit in a credit transaction either as principal or as agent and who requires, as an incident to the extension of credit, the payment of a finance charge.

(8) "Debtor," a person to whom or on behalf of whom credit is primarily granted or who is primarily obligated to pay debt.

(9) "Finance charge," a charge made by a creditor, other than permitted charges, paid or payable directly or indirectly by the debtor to or for the account of the creditor and incurred solely because the transaction is a credit transaction and includes

(a) all charges which are not permitted charges and which are designed primarily to increase the gross yield to a creditor in a credit transaction;

(b) charges for investigating the credit or collateral and for commissions or brokerage for obtaining the credit paid or payable by the debtor irrespective of the person to whom they are paid or payable; and

(c) charges for the cost of a credit transaction including interest, discount, add-on or however such charges may be designated.

(10) "Official fees," the fees and charges prescribed by law for registering or for filing, recording, or otherwise perfecting or releasing or satisfying a security interest in property related to a credit transaction which will actually be paid to public officials.

(11) "Organizations," a corporation, business trust, estate, trust, partnership or association or any other legal entity but not a natural person.

(12) "Per cent per annum rate disclosure," the disclosure required or made under clause (g) of subsection one of section six, and under other provisions of this Act.

(13) "Permitted charges," charges for services, expenses or the like related to a credit transaction, not in excess of amounts permitted by applicable law, if any, which are requested, agreed to or approved by the debtor (a) for official fees or taxes; (b) for insurance; (c) for delinquency or collection or which otherwise arise by reason of action or default of the debtor; (d) in home mortgage credits, customary brokers' fees and reasonable charges incurred for appraisal of the property, examination of title and the marketability of security, drafting of security instruments or documents and other customary closing costs; or (e) which are of value to the debtor separate and apart from the granting of credit, are reasonable in relation to benefits to the debtor and constitute a type of charge or actual charges which have been filed with the commissioner and as to which the commissioner has failed to notify the creditor in writing of objection within sixty days after the filing. If paid, incurred, or financed by the creditor and not otherwise charged to or paid by the debtor, permitted charges may be added to or included in the principal of the debt.

(14) "Principal balance," the sum of the base amount and permitted charges, if any, charged to the debtor.

(15) "Revolving credit," credit granted pursuant to an agreement related to a loan of money in which the debtor incurs from time to time debt which may be payable in installments and in which the debts are debited to a running account.

(16) "Total loan balance," the sum of the base amount, permitted charges charged to the debtor, if any, and the finance charge.

Section 3. Except as otherwise provided in section four, this Act applies to any credit transaction in which:

(1) the debt incurred or to be incurred arises from a loan of money or the rewriting or refinancing of a loan or loans;

(2) a finance charge is or may be payable;

(3) the principal balance of the debt at the inception of the transaction is twenty-five thousand dollars or less;

(4) the creditor is in the business or makes a practice of extending credit; and

(5) the debtor is a natural person and not an organization.

Section 4. Notwithstanding the provisions of section three, the provisions of this Act shall not apply to credit transactions with respect to which the debt:

(1) arises out of a retail installment sale of a motor vehicle which is subject to the provisions of Chapter 190 of the Kentucky Revised Statutes;

(2) arises out of a transaction which is subject to the provisions of KRS 371.210 to KRS 371.330, inclusive;

(3) is secured by collateral consisting of accounts receivable, business equipment or inventory and the value of the collateral is equal to a substantial part of the amount of the debt secured.

Section 5. Unless the context otherwise requires, information required to be given to the debtor shall be in writing. In a loan transaction in which there is more than one debtor, the obligation of the creditor to furnish information to the debtor shall be satisfied if the information is supplied to only one of the debtors. The creditor may give the debtor the information required by this Act in a sequence other than that stated. If information to be given under section five is not available to the creditor at the time of the consummation of the transaction, the creditor shall give to the debtor,

(1) prior to or as part of the consummation of the transaction, the information that is available and a reasonable estimate of the per cent per annum rate disclosure and either (a) a reasonable estimate of the dollar amount of the finance charge or (b) a simple statement of the method by which the amount

of the finance charge will be calculated and a reasonable estimate of the amount of the finance charge produced by that method on typical principal balances; and

(2) on or before the due date of the first installment, all of such information.

Section 6. (1) In a closed-end credit transaction in which a loan is made or is to be made, the creditor shall furnish to the debtor prior to or as a part of the consummation of the transaction, a clear statement in writing setting forth, to the extent applicable and in accordance with such additional rules and regulations as may be prescribed by the commissioner, the following information:

(a) the base amount;

(b) the aggregate charge to the debtor for insurance with a description of the type or types of coverage in simple terms;

(c) the amount of official fees;

(d) the amount of other permitted charges, if any, added to or included in the principal of the debt with an itemization of each;

(e) the principal balance owed which is the sum of items (a), (b), (c) and (d);

(f) the total finance charge or planned interest;

(g) the percentage that the finance charge bears to the principal balance, computed in accordance with the annual finance charge formula or a comparable formula approved by the commissioner upon application of a creditor;

(h) the total loan balance owed by the debtor to the creditor which is the sum of items (e) and (f), the number and amount of weekly, monthly or other installment payments and the time of each payment, in which information the amount and times of installment payments need not be separately stated if amounts of and time between payment are substantially equal and the amount of the scheduled final installment payments may be stated as the remaining unpaid balance.

(2) The printed material explaining the per cent per annum rate disclosure required to be given to the debtor by the provisions of clause (g) shall be printed in twelve point boldface type.

(3) In a closed end credit transaction in which the due date of all or part of one or more installments is deferred or extended or in which the unpaid installments are restated or rescheduled to reduce or rearrange the installment payments, the creditor shall give the debtor the following information at or before the time the extension or deferment is made:

(a) the amount of the deferment or extension charge, if any;

(b) a description of the additional permitted charges, if any, incident thereto and an itemization of such charges; and

(c) the revised installment payment dates, if any, and the revised amount, if any, of each installment.

Section 7. (1) In any revolving credit transaction in which a loan is made or is to be made, if during a billing cycle debt is incurred, payment is made by the debtor, or liability to pay a finance or other charge is incurred, the creditor shall furnish to the debtor within a reasonable time after the end of the billing cycle and in accordance with such additional rules and regulations as may be prescribed by the commissioner, the following information:

(a) the outstanding balance at the beginning of the billing cycle;

(b) entries during the billing cycle, exclusive of finance charge or other charges;

(c) a brief description of the transactions giving rise to accounting entries in a statement or in accompanying sales slips, cancelled checks or the like;

(d) the amount of finance charge and other charges debited during the billing cycle;

(e) the outstanding balance at the end of the billing cycle; and

(f) the amount which must currently be paid by the debtor and when the amount must be paid in order to avoid delinquency.

(2) In a revolving credit transaction involving a loan of money under this Act, there shall appear in twelve point boldface type on the agreement and every statement of account a recitation of the simple interest per annum rate that approximates most closely any finance charge rate or rates imposed. Such percentage rate shall be computed either by multiplying the periodic rate of charge by the number of payment periods in a year or by a formula approved by the commissioner upon application by a creditor. In the case of any agreement in existence on the effective date of this Act the per cent per annum rate disclosure required as to agreements by this subsection may be made in a separate notice mailed or delivered to the debtor.

Section 8. If a credit transaction subject to this Act is neither a closed end nor a revolving credit transaction, the creditor shall furnish to the debtor prior to or as a part of the consummation of the transaction a disclosure of the finance charge rate in terms of a simple annual interest rate.

The printed material explaining the simple annual interest rate disclosure shall be printed in twelve point bold face type.

If the creditor states or calculates the finance charge by a method other than a simple annual interest rate, the simple annual interest rate shall be computed either in accordance with the annual finance charge formula, or by a comparable formula approved by the commissioner upon application by a lender.

In addition to the information required to be furnished hereunder the creditor shall furnish all the information referred to in section five, except that contained in clauses (f) and (g) and except that total loan balance referred to in clause (h).

Section 9. No creditor shall in any advertisement, publication, display, broadcast, solicitation or representation, make any

false, misleading or deceptive statement concerning any finance, delinquency, or extension charge, or rate, or the security interest, collateral terms, or conditions upon which it will make any credit agreement or finance the same. Any advertisement, publication, display, solicitation or representation containing a statement of a rate or rates of a finance charge, with respect to transactions subject to section seven as well as closed end and revolving credits, shall be expressed in terms of a simple annual interest rate. The simple annual interest rate shall be computed (a) in the case of a closed end credit, in accordance with the annual finance charge formula; (b) in the case of a revolving credit, by multiplying the periodic rate of charge by the number of payment periods in a year; or (c) in either case, by a formula approved by the commissioner upon application by a creditor.

Section 10. The commissioner may prescribe from time to time such rules and regulations as may be necessary or proper in carrying out the provisions of this Act, and may provide that any violations thereof shall be punished by such fines, not to exceed five hundred dollars, as he may determine. In prescribing rules and regulations with respect to any particular type of credit transaction, the commissioner shall consider whether in such transactions compliance with the disclosure requirements of this Act is being achieved under any other law.

Section 11. The failure of any creditor to disclose the information required by this Act shall bar his recovery of any finance, delinquency, collection or refinancing charge, but shall not bar his right to recover from the debtor an amount equal to the unpaid principal balance or to realize upon the security and recover from the debtor an amount equal to the unpaid principal balance less the net proceeds of any disposition of such security.

The provisions of this section shall not apply to any violation which any creditor shall establish by a preponderance of the evidence to be the result of accident or bona fide error in (a) any mathematical computation, (b) the layout or format, size of type or order of clause contained in any credit agree-

ment or (c) the failure to furnish to the debtor any statement required by this Act.

Section 12. Whoever violates any provision of this Act shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or both.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

All banks, trust companies, petty loan companies, building and loan associations, credit unions, industrial loan corporations and any other lending institution which is subject to either Chapter 287, 288, 289, 290 or 291 of the Kentucky Revised Statutes shall, in addition to the requirements of those respective Chapters, be subject to all of the provisions and requirements of this Act.

Section 14. In lieu of the annual finance charge formula required in this Act the commissioner may by regulation prescribe the use of the actuarial method (United States Rule) for converting a dollar finance charge into an annual percentage rate.

Section 15. This Act shall become effective January 1, 1969.

**HB 285**, AN ACT relating to filing fees for banks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 287.480 of the Kentucky Revised Statutes is amended to read as follows:

The following fees shall be paid to the Commissioner of Banking and Securities by corporations engaged in a banking or trust business:

(1) For the investigation incident to the approval of articles of incorporation and to the approval of applications for branch banks, the fee shall be sufficient to cover the cost of the

investigation based upon fair compensation for time and actual expense;

(2) For each report, a filing fee of *$2.00;* [$1.00;]

(3) For each examination of the institution of other than assets held by it in a fiduciary capacity, $.03 on each $1,000 of assets, or fractional part, and in addition a flat fee as follows: Institutions having assets of not more than $300,000, a fee of $35; institutions having assets of $300,000 and not more than $600,000, a fee of $50; on each institution having assets of $600,000 and not more than $1,000,000, a fee of $60; on each institution having assets of $1,000,000 and not more than $2,000,000, a fee of $80; on each institution having assets of $2,000,000 and not more than $3,000,000, a fee of $150; on each institution having assets of $3,000,000 and not more than $5,000,000, a fee of $200; on each institution having assets of $5,000,000 and not more than $10,000,000, a fee of $300; and on each institution having assets of $10,000,000 or more a fee of $400; and

(4) For the examination of the assets held by the institution in a fiduciary capacity, the expenses of such examination, not exceeding $15 per day for the services of each examiner actively engaged in the examination. The commissioner shall accept examinations made of the trust department in combined banks and trust companies by examiners for the Federal Reserve System, Federal Deposit Insurance Corporation, or a certified public accountant, if the report of such audit or examination is furnished to him.

(5) Extraordinary services performed, in addition to examinations, for any financial institution, including institutions in liquidation under the supervision of the commssoner, shall be paid for by such institution upon the basis of fair compensation for time and actual expense.

**HB 286,** AN ACT relating to filing fees for Savings and Loan Associations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 289.730 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each report required of associations by this chapter shall be made to the Commissioner and the association making the report shall pay to the Commissioner a filing fee of *two dollars.* [one dollar.]

(2) Each association shall pay the following fee to the commissioner immediately upon completion of its examination:

(a) Associations having assets of twenty thousand dollars or less shall pay twenty dollars;

(b) Associations having assets of over twenty thousand dollars but less than fifty thousand dollars shall pay twenty-five dollars;

(c) Associations having assets of fifty thousand dollars but not over one hundred thousand dollars shall pay thirty-five dollars; and

(d) Associations having assets of more than one hundred thousand dollars shall pay thirty-five dollars for the first one hundred thousand dollars and five dollars for each additional one hundred thousand dollars or fraction thereof.

(3) No association shall be required to pay for more than one examination each year, unless such examination is necessary because of the association's failure to file reports required by this chapter.

The Committee on Public Utilities and Transportation reported **HB 247** and **HB 260** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 247,** AN ACT relating to motor vehicles and the registration thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 186.050 is amended to read:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not

more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) through (13), shall be as follows:

| Declared Gross Weight of Vehicle and Any Towed Unit | Registration Fee |
|---|---|
| 0- 6,000 | $ 10.00 |
| 6,001-10,000 | 24.00 |
| 10,001-14,000 | 30.00 |
| 14,001-18,000 | 50.00 |
| 18,001-22,000 | 132.00 |
| 22,001-26,000 | 160.00 |
| 26,001-32,000 | 216.00 |
| 32,001-38,000 | 300.00 |
| 38,001-44,000 | 474.00 |
| 44,001-62,000 | 588.00 |
| 62,001-73,280 | 750.00 |

(4) Any farmer owning a truck having a gross weight of 24,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50. The applicant's signature upon the registration receipt shall constitute a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 24,000 pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, materials and supplies necessary for his farming operation, and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain license for $4.50 by filing with the county clerk, in addition to other information re-

quired, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within *the county of the city named in the affidavit, or within fifteen air* [ten] miles of the limits of the city *known as an operating area* [if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth and sixth class], shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty per-

cent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the registration certificate shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out [and that the vehicle will not be used outside of a city and the area above set out during the current registration period.] *The department may, under rules and regulations adopted therefor, issue a permit to use a truck in another operating area for a period not to exceed thirty days and shall receive a fee of $35.00 therefor.*

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at a point not more than fifty air miles from the point at which such coal is mined, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full mount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county court clerk a certification from the department that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the Department of Revenue copy of the registration receipt.

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may register such vehicle and obtain a "For Sale" registration receipt for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.

**HB 260,** AN ACT relating to motor vehicles and highway safety.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person shall operate a motorcycle:

(a) Except when that person is in possession of a valid motor vehicle operator's license, with a valid motorcycle operator's endorsement thereon; and

(b) Unless that person uses an approved eye-protective device, in the manner prescribed by the commissioner, at all times such vehicle is in motion; and

(c) Unless the motorcycle is equipped with a rear-view mirror.

(2) No person shall operate or ride as a passenger on a motorcycle:

(a) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or passenger in a safe manner; and

(b) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner; and

(c) Unless that person wears approved protective headgear, in the manner prescribed by the commissioner, at all times that the vehicle is in motion.

(3) The commissioner shall by regulation fix minimum standards for approved protective headgear and for approved eye-protective devices, and prescribe the manner in which they shall be used. He shall maintain and cause to be published a list of approved protective headgear and of approved eye-protective devices. He may prescribe by regulation minimum standards for other protective devices and require the use of those devices.

(4) As used in this Act, "motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab.

Section 2. Section 186.414 of the Kentucky Revised Statutes is amended to read as follows:

Applications for renewal licenses shall be according to the following schedule:

(1) Persons whose family names begin with the letters "A" through "K" inclusive, shall before August 1, 1958, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in

the year 1960, and shall be renewed every two years during the applicant's birth month thereafter.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive shall, before August 1, 1959, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1961, and shall be renewed every two years during the applicant's birth month thereafter.

(3) Any person who is a resident of this state and who has obtained an operator's license in the manner provided for in this chapter, which has not been cancelled, suspended or revoked for any reason provided for in this chapter, and who is in the active service of the armed forces of the United States shall, upon written application to the circuit court clerk of the county in which he resides, be granted an extension of his operator's license beyond the periods set forth in subsections (1) and (2) of this section. Upon application the circuit court clerk shall issue to the applicant a written certification of operator's license extension. The extension so granted shall be effective so long as the applicant is an active member of the armed forces or six years from the date of the application whichever is less.

*(4) The procedure for renewing or extending motorcycle operator's endorsements shall be the same as required by this section for licenses. A motorcycle operator's endorsement shall be renewed at the same time as the license to which it is affixed.*

Section 3. Section 186.412 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person seeking a license for operation of a motor vehicle shall apply in person to the circuit court clerk of the county in which he resides and make application upon a form furnished by the department. The application shall contain the full name and signature, date of birth, sex, race, and present resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or county, whether any license has ever been cancelled, suspended, revoked

or refused, and if so, the date of the reason for the cancellation, suspension, revocation or refusal, and such other information as may be required.

(2) Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has fully complied with the law governing applications, issue a temporary operator's license to be valid for not more than ninety days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent operator's license.

*(4) Every person seeking an endorsement for operating a motorcycle shall apply in person to the circuit court clerk of the county in which he resides and make application upon a form furnished by the department.*

Section 4. Section 186.490 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the department under KRS 186.400 relating to his duties;

(2) Act for the department for the purpose of issuing temporary operator's licenses and instruction permits;

(3) Administer the oath required by KRS 186.412 to the applicant without fee;

(4) Report and remit each Monday to the Department of Revenue all moneys collected during the preceding week and remit a copy of all applications taken by him during the same period to the Department of Public Safety. Upon failure of any clerk to report and remit therefor more than seven days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.531;

(5) Keep adequate records of all moneys collected and remitted to the department; and

(6) Keep in his office at all times available to the department a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses *or motorcycle operator's endorsements* within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways.

Section 5. Section 186.495 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall maintain an alphabetical index of all persons to whom operator's licenses *and motorcycle operator's endorsements* have been issued in his county, which index shall be sufficient to enable the prompt locating of the complete license record of each of such persons. Such index shall at all times be available for inspection by the State *Police* [Highway Patrol] and other officers charged with the duty of enforcing highway laws.

Section 6. Section 186.531 of the Kentucky Revised Statutes is amended to read as follows:

(1) The cost of operator's licenses, *endorsements* and permits shall be as follows:

(a) the fee for an original or renewal license shall be two dollars;

(b) the fee for an instruction permit, *motorcycle operator's endorsement, and motorcycle operator's endorsement renewal* shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) the fee for a duplicate license shall be one dollar.

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit, *motorcycle operator's endorsement or motorcycle operator's endorsement renewal;*

(c) Fifty cents for preparing and acknowledging an application for a duplicate.

(3) The remainder of all fees, and other moneys collected by the circuit clerk shall be forwarded to the Department of Revenue.

Section 7. Section 186.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the circuit clerk refuses to issue a license *or a motorcycle operator's endorsement* to an applicant, the applicant may appeal to the department.

(2) Any person aggrieved by any ruling of the department relating to the denial, revocation, suspension or cancellation of an operator's license *or motorcycle operator's endorsement*, or any other safety provision of KRS 186.400 to 186.640, other than orders of revocation or suspension when the facts render revocation or suspension mandatory, shall advise the department of his grievance, stating the grounds for it. In not less than fifteen nor more than thirty days, the aggrieved party may petition the quarterly court of the county in which he resides, for relief. The quarterly court may grant adequate relief. A copy of the petition shall be filed with the department.

(3) Either the aggrieved person or the department may appeal from the decision of the quarterly court.

Section 8. Section 186.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Police may examine every applicant for an operator's license *or renewal of an operator's license* except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless the applicant is granted written permission by the circuit clerk of the county in which he resides, to take the examination in another county, and the State Police agrees to arrange for the examination in the other county. The examination *may* [shall] include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning and directing traffic, his knowledge of traffic laws and an actual demonstration of

ability to exercise ordinary and reasonable control in the operation of a motor vehicle. *An applicant for a motorcycle operator's endorsement or renewal thereof may be required to show his ability to operate a motorcycle, in addition to other requirements of this section.*

(2) Any person whose operator's license is denied, suspended or revoked for cause, shall apply for reinstatement at the termination of the period for which the license was denied, suspended or revoked by submitting to the examination.

The Committee on Public Utilities and Transportation reported **HB 6** without expression of opinion.

The Committee on Public Utilities and Transportation reported **HB 265** with the expression of opinion that the same should not pass.

The Committee on Highways and Traffic Safety reported **HR 13** and **HR 30** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 13,** A CONCURRENT RESOLUTION requesting and petitioning the Kentucky Department of Highways to complete the construction planned for U.S. Highway 119, from Whitesburg to Harlan, U.S. Highway 23, from Pikeville to Jenkins, and Kentucky Highway 15, from Hazard to Jenkins.

WHEREAS, the reconstrucion of U.S. Highway 119, from Whitesburg to Harlan, U.S. Highway 23, from Pikeville to Jenkins, and Kentucky Highway 15, from Hazard to Jenkins, has been in the planning stage for a long period of time; and

WHEREAS, this reconstruction still has not been started; and

WHEREAS, there is a great need in this and adjacent areas for this reconstruction to be completed; and

WHEREAS, the Kentucky Department of Highways has in the past made great strides in improving the highway system throughout Eastern Kentucky, but even so this reconstruction is vital to both the economic and social improvement of Eastern Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Kentucky Department of Highways be and it is hereby requested and petitioned to proceed with all reasonable dispatch to complete the planning stage, let the necessary bids, and complete the reconstruction of U.S. Highway 119 from Whitesburg to Harlan, U.S. Highway 23 from Pikeville to Jenkins and Kentucky 15 from Hazard to Jenkins; and

Be it further resolved that a copy of this resolution be forwarded by the Clerk of this House to William B. Hazelrigg, Commissioned of the Kentucky Department of Highways.

**HR 30,** A CONCURRENT RESOLUTION requesting the Department of Highways of the Commonwealth of Kentucky to pave Kentucky State Highway 806 from Eolia, Kentucky, in Letcher County to the Kentucky-Virginia line.

WHEREAS, Kentucky State Highway 806 from Eolia, Kentucky, in Letcher County to the Kentucky-Virginia line, a stretch of road 3.9 miles in length with a gravel surface, is impassable in winter; and

WHEREAS, 25 men from Letcher County now working in Stonega, Virginia, must use an indirect route through Cumberland to reach their work because the direct route by way of Kentucky Highway 806 from Eolia is impassable; and

WHEREAS, approximately 100 additional men from Letcher County could work in Stonega, if Kentucky Highway 806 were paved;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Department of Highways of the Commonwealth of Kentucky be and it hereby is requested to pave immediately Kentucky Highway 806 from Eolia, Kentucky, in Letcher County to the Kentucky-Virginia line.

The Committee on Elections and Constitutional Amendments reported **HB 7** and **HB 131** with the expression of opinion that the same should not pass.

The Committee on Elections and Constitutional Amendments reported **HB 52**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 52**, AN ACT relating to fourth class cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 86.225 is amended to read as follows:

No person shall be a candidate for any elective city office in a city of the fourth class that is operating under the councilmanic form of government, unless his nomination papers have been filed with the county court clerk not less than forty-five days before the day fixed by law for the holding of primary elections, *which is the seventh Saturday before the regular election day.*

The Committee Substitute to **HB 52** is as follows:

**Committee Substitute HB 52**, AN ACT relating to fourth class cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 86.225 is repealed.

The Committee on Elections and Constitutional Amendments reported **HB 25, HB 37, HB 38, HB 41, HB 76, HB 100, HB 137** and **HB 164** without expression of opinion.

The Committee on Agriculture and Natural Resources reported **HB 271** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 271**, AN ACT relating to highway rights of way, including the control and eradication of Johnson grass, giant foxtail, and other noxious weeds thereon.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 176.051 of Chapter 176 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Highways may keep all state rights of way free of the species of grass, sorghum, halepense, commonly known as Johnson grass, *and the species of weed commonly known as a giant foxtail, both of which are noxious weeds* [which is a noxious weed]; and, upon written request from any abutting property owner engaged in a program of eradication of Johnson grass *or giant foxtail,* shall cooperate with such abutting owner by eradicating such Johnson grass *or giant foxtail* from abutting state rights of way. The department may take steps to eradicate such grass *or weed* by the use of chemicals or any other means found to be effective by the department.

(2) When the department undertakes to eradicate Johnson grass, *or giant foxtail* and the abutting property owner has not requested the department to aid in the eradication, the Department of Highways shall notify the owner or tenant, whichever may be operating the farm adjacent to the right of way, of the approximate date that the eradication work is to be performed. Notice shall be given to the owner or tenant so as to provide at least three days in which to allow the owner or tenant sufficient time to remove his livestock rfom the fields adjacent to the right of way on which the eradication work is to be performed. The department shall advise the owner or tenant of land adjacent to the right of way treated of the nature of any chemicals used and of the probable effect such chemicals or process used will have on any livestock. The Department of Highways shall further advise said owner or tenant of the length of time required for the chemical action or reaction to dissipate to the point where there will be no harmful effects on the livestock.

**Senate Message**

Announcing passage of **HR 10, HB 73, SR 31, SB 72** and **SB 131.**

The Committee on Rules reported **HB 1** with Committee

Amendment attached thereto, **HB 2** with Committee Amendment attached thereto, **HB 9** with Committee Substitute attached thereto, **HB 33** with Committee Amendment attached thereto, **HB 75** with Committee Substitute attached thereto, **HB 102** with Committee Amendment attached thereto, **HB 117, HB 148** with Committee Amendment attached thereto, **HB 167, HB 173, HB 187, HB 193, HB 204, HB 209, SB 20** with Committee Amendment attached thereto and **SB 110** with the expression of opinion that the same should pass.

## Calendar

**HB 48** with Committee Substitute attached thereto, **HB 91, HB 82** with Committee Substitute attached thereto, and **HB 261** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Report on Enrolled Bills

The Committee on Enrollment reported **SR 14** had been examined and found correctly enrolled. **SR 14** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Motions, Petitions, and Communications

Representative Cruse moved that **HB 160** be taken from the Committee on Rules and posted for passage.

Representative Cruse withdrew the motion.

## Orders of the Day

**HR 9** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McCallum moved the adoption of the following Amendment to **HR 9:**

Amend printed copy of House Resolution 9 on page 1, by:

deleting the word "western" in the second WHEREAS clause and inserting in lieu thereof the word "central"

Agreed.

On the roll call the vote was yeas 73—Alexander, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Irick, Isler, Johnson, Jones, Justice, Keith, Kidd, King, Lassiter, Lawson, Louden, Maddox, Massey, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Smith, Stuart, Tobin, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 4—Ballenger, Bruce, Cox, James.

**HR 9** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HR 9** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 60, HR 33, HB 1** with Committee Amendment attached thereto, and **HB 9** with Committee Substitute attached thereto, be deferred and that they retain their position in Orders of the Day. Agreed.

Representative McBrayer moved that **HB 2** be recommitted to the Committee on Judiciary. Agreed.

**HB 33,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Harper moved the adoption of the Committee Amendment to **HB 33.** Agreed.

On the roll call the vote was yeas 92—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 33** as amended was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 33** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 75,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the Committee Substitute to **HB 75.** Agreed.

On the roll call the vote was yeas 77—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blythe, Brown, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wooley, Wright. Nays 5—Bamberger, Clark, DeMarcus, Jones, Melton.

**HB 75** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 75** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 102,** with Committee Amendments attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wheeler moved the adoption of Committee Amendment No. 1 to **HB 102.** Agreed.

Representative Wheeler moved the adoption of Committee Amendment No. 2 to **HB 102.** Agreed.

Representative Hoffman moved that **HB 102** be recommitted to the Committee on Judiciary.

On the roll call the vote was yeas 4—Curlin, Hoffman, Hunt, Pettit.—Nays 71—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Brown, Bruce, Clark, Coffey, Cruse, J. A. Davis, W. F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, C. R. Miller, R. L. Miller, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, R. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that **HB 102** be recommitted to the Committee on Judiciary was rejected.

On the roll call the vote was yeas 80—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clark, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Isler, James, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Massey,

May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Smith, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Hunt.

**HB 102** as amended was passed and the title agreed to.

Representative Wheeler moved that the vote by which **HB 102** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 117** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 148**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the Committee Amendment to **HB 148**. Agreed.

On the roll call the vote was yeas 75—Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Wells, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 148** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 148** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 167** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 173** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clapp, Coffey, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley. Nays 1—Akers.

**HB 173** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 173** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HB 187** be taken from Orders of the Day and placed upon its passage

Representative DeMarcus moved that **HB 187** be recommitted to the Committee on Counties and Special Districts.

On the roll call the vote was yeas 20—Arnett, Ball, Bamberger, Bruce, Cruse, DeMarcus, Hardin, Hinkle, Hoe, Irick, James, Johnson, Kessinger, Lawson, Maddox, McNamara, Peace, Ray, Rickert, Schmidt. Nays 32—Allen, Baker, Blume, Curlin, J. A. Davis, Denham, Greer, Halleck, Harper, Hoffman, Holbrook, Hopkins, Huff, Hunt, Keene, King, Louden, Massey, May, McBrayer, McKinney, Mershon, R. L. Miller, Mitchell, Pettit, R. Reynolds, W. J. Reynolds, Riddle, Sartin, Smith, Wells, Wooley.

The motion that **HB 187** be recommitted to the Committee on Counties and Special Districts was rejected.

Representative W. J. Reynolds moved that **HB 187** be laid on the Clerk's Desk. Agreed.

**HB 193** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Clapp, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wooley, Wright. Nays 0.

**HB 193** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 193** was passed be reconsidered and said motion be laid on the table. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 73** had been examined and found correctly enrolled. **HB 73** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 73** delivered, signed by President. Ordered delivered to the Governor.

**HB 204** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wooley, Wright. Nays 0.

**HB 204** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 204** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 209** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wooley, Wright. Nays 0.

**HB 209** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 209** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 20,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Denham moved the adoption of the Committee Amendment to **SB 20.** Agreed.

Representative Denham moved that consideration of **SB 20** as amended be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 110** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**SB 110** was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 110** was passed be reconsidered and said motion be laid on the table. Agreed.

## Senate Message

Announcing passage of **SR 29, SB 84, SB 137, SB 12, SB 161, SB 148** and **HB 111** with Senate Amendments attached thereto.

## Recess

Representative Morgan moved that the House recess for fifteen minutes for a meeting of the Committee on Committees.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 322, HB 337, HB 334, HB 342, SB 12, SR 31.**

Appropriations and Revenue: **HB 328, HB 341, HB 344, SB 84.**

Banking and Insurance: **HB 317, HB 346.**

Business Organizations and Professions: **HB 335, HB 339, HB 340, HB 351.**

Cities: **HB 299, HB 355, HB 358, HB 361, SB 96, SB 131, SB 136.**

Counties and Special Districts: **HB 300, HB 324, HB 343.**

Education: **HB 326, HB 327, HB 338, HB 356, SB 118, SB 161.**

Elections and Constitutional Amendments: **HB 318, HB 321, HB 345, HB 349.**

Health and Welfare: **HB 301, HB 304, HB 305, HB 307, HB 308, HB 309, HB 310, HB 311, HB 312, HB 323, HB 329, HB 332, HB 336, HB 347, HB 352, HB 353, HB 354, HB 357, SB 72.**

Highways and Traffic Safety: **HB 320, HR 50.**

Judiciary: **HB 298, HB 306, HB 316, HB 319, HB 331, SB 92, SB 105, SB 113, SB 114, SB 120, SB 148, SB 142, SB 155.**

Labor and Industry: **HB 302, HB 313, HB 314, HB 350.**

Public Utilities and Transportation: **HB 348, HB 360, HB 362.**

State Government: **HB 303, HB 315, HB 325, HB 330, HB 333, HB 359, SB 112, SB 137, SR 29.**

Representative Morgan moved that the House adjourn until 1:00 p.m., Thursday, February 15, 1968.

On the roll call the vote was yeas 55—Akers, Alexander, Allen, Arnett, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clapp, Cox, Cruse, James A. Davis, Walter F. Davis, Greer, Harper, Hinkle, Hoe, Holbrook, Hopkins, Huff, Johnson, Jones, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, May, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Prather, Rattliff, Ray, Russell Reynolds, Richey, Rickert, Russell, Schmidt, Simmons, Smith, Tobin, Webster, Wells, Wesley, Wheeler, White. Nays 5—Baker, Denham, Halleck, James, Siemens.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 15, 1968
## THIRTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Monsignor Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives Justice, R. Reynolds, Saylor, Smith and Wooley.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of February 14, 1968, be dispensed with and the same approved. Agreed.

### Senate Message

Announcing passage of **SB 169, SB 176, SB 177** and **SB 214.**

### Introduction of Bills and Resolutions

**HB 363,** by Representatives R. L. Miller, Rattliff, Simmons, Bamberger, DeMarcus, Hoe, Kessinger, Floyd, Keith, Hinkle, Arnett, Murphy, Louden and James: AN ACT relating to transportation of public school pupils.

**HB 364,** by Representatives Clark, Peace, Saylor and Huff: AN ACT relating to school services.

**HB 365,** by Representatives Peace and Clark: AN ACT relating to teachers.

**HB 366,** by Representative Halleck: AN ACT relating to teachers' retirement allowances.

**HB 367,** by Representative Holbrook: AN ACT relating to gas pipelines and related facilities.

**HB 368,** by Representatives Hoe and Cox: AN ACT providing for the licensing and regulation of surety agents, property bondsmen, and runners engaged in the bail bond business for

profit; fixing a penalty for violation thereof; and making uniform the laws with reference thereto.

**HB 369,** by Representatives Hoe and Cox: AN ACT relating to pre-trial release on conditions.

**HB 370,** by Representatives Bamberger, Harper, Lawson and Schmidt: AN ACT relating to election officers.

**HB 371,** by Representative Arnett: AN ACT relating to motor vehicle operator's licenses.

**HB 372,** by Representatives Arnett, Halleck, Lassiter, and McKinney: AN ACT relating to railroads.

**HB 373,** by Representatives Arnett, Lassiter and Hinkle: AN ACT relating to group insurance benefits for officials and employes of institutions of higher learning.

**HB 374,** by Representative Hoe: AN ACT relating to motor vehicle usage taxes.

**HB 375,** by Representatives Pettit and Harper: AN ACT relating to motor vehicle inspection.

**HB 376,** by Representatives Arnett, McKinney and Lassiter: AN ACT relating to railroads.

**HB 377,** by Representatives Arnett, Denham, Hinkle and Clapp: AN ACT relating to the confidential nature of tax reports.

**HB 378,** by Representatives Harper and Rickert: AN ACT relating to law enforcement standards and training.

**HB 379,** by Representative McBrayer: AN ACT relating to railroads.

**HB 380,** by Representatives King and Mershon: AN ACT relating to fees and costs in police courts.

**HB 381,** by Representative White: AN ACT relating to strikes and labor disputes.

**HB 382,** by Representative White: AN ACT relating to strikes and labor disputes.

**HR 53,** by Representatives DeMarcus, McBrayer, Hunt, Ball, Wright, Denham, Wheeler, W. J. Reynolds and Morgan;

A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the operation and enforcement of the 1966 Corrupt Practices Act, KRS Chapter 123, and to suggest possible methods of improving and strengthening the basic intent and enforcement of the statutes.

**Report of Committees**

The Committee on Rules reported **HB 18, HB 255, HB 56, HB 261, HB 215, SB 21, HB 112, HB 5** with Committee Amendment attached thereto, **HB 233, HB 232, HR 43, HB 123** with Committee Amendment attached thereto, **HB 197, HB 214, HB 223** and **HB 160** with the expression of opinion that the same should pass.

The Committee on Appropriations reported **HB 128** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 128,** AN ACT relating to witnesses' fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 421.020 is amended to read:

(1) Witnesses subpoenaed for the state in felony cases shall be allowed *three* [one] dollars per day for each day in attendance in the circuit court, beginning with the day set for the trial of the case. If a witness resides in another county he shall receive in addition to the per diem, four cents per mile going and returning by nearest traveled route to be allowed by the circuit court and certified to the circuit clerk for payment.

(2) No witness subpoenaed for the state in felony cases shall be allowed the per diem of *three* [one] dollars for more than one day unless such witness is actually used on the trial or excused by the court or Commonwealth's attorney on the first day such witness appears for the trial, and before such witness is subpoenaed by the Commonwealth there has been filed with the circuit clerk a statement signed by the Commonwealth's attorney or the county attorney to the effect that the witness has

been interviewed by the county or Commonwealth's attorney, and that in the judgment of the county or Commonwealth's attorney the witness is an important one. The circuit clerk shall not issue any subpoena in felony cases except upon the written request of the county or Commonwealth's attorney filed with him.

The Committee on Elections and Constitutional Amendments reported **HB 155** without expression of opinion.

The Committee on Appropriations and Revenue reported **HB 180** with expression of opinion that the same should not pass.

The Committee on Appropriations and Revenue reported **HB 114** without expression of opinion.

The Committee on Judiciary reported **HB 246** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 246,** AN ACT relating to the mortgaging or sale of real property of infants and persons of unsound mind.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 389.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The real property or any right title, or interest in real property of a person under the age of eighteen years, or of a person of unsound mind, whether such person be a resident or a nonresident of this state, may be *mortgaged or* sold under or by decree of a court of equity of the county in which the property or any part thereof is situated for any purpose deemed by the chancellor to be necessary or proper or beneficial to such person under disability.

(2) The decree may be rendered on a petition, counterclaim or cross-petition filed by the statutory guardian of an infant, or by the committee of a person of unsound mind, or by a next friend, or by any party against a guardian or committee, if he have one residing in this state, in any kind of

similar proceeding that may be maintained against a person who is not under disability.

(3) Except in actions brought under subsection (13) of this section, if the guardian or committee of a person under disability be a party to the action, then it shall not be necessary for the person under disability to be made a party personally.

(4) If the guardian or committee of a person under disability be not a party to the action, then it shall be necessary for the person under disability to be a party personally and brought before the court in the manner authorized by the Rules of Civil Procedure.

(5) Nothing contained in subsections (2), (3) and (4) of this section shall limit the purposes of *the mortgage or* sale named in subsection (1) of this section.

(6) If the suit be filed against a guardian or committee and he shall fail to appear and defend or show that no good defense can be made, the court shall appoint a guardian ad litem to do so.

(7) The pleading seeking a *mortgage or* sale shall file the title papers, or copies thereof, under which the property is held; shall particularly describe the property and the interest therein of the person under disability; set forth fully the reasons or purposes for which it is sought to have the same *mortgaged or* sold; and the nature and extent of all liens upon the interest of the person, if any, so far as the same may be known to the petitioner.

(8) The case may be referred by order of court to the master commissioner for hearing of evidence and report on the facts and his recommendation with respect to the relief sought in the pleadings.

(9) The allegations of the pleading shall not be taken as confessed but shall be proved by competent evidence heard on deposition or orally by the chancellor or commissioner. A transcript thereof shall be filed as part of the record.

(10) The proceeds of *the execution of any mortgage or* [any] sale may be paid to the guardian or committee provided

that he shall have executed in the circuit court a bond with surety to the Commonwealth for the use and benefit of the person under disability that he will faithfully discharge his trust and will account for, pay and deliver to said person all money and other property due or belonging to him when he shall reach his majority, or if he be a person of unsound mind when he shall be legally restored, or to his heirs or personal representative, or in compliance with an order of any court of competent jurisdiction. The court shall endorse its approval on said bond, which shall be recorded on the order book; provided, that if the circuit court, upon examination of a certified copy of the bond executed in the county court of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine, in its discretion, that said bond is adequate and sufficient, the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the order book that it has personally examined the certified copy of the bond executed in the county court, and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the clerk of the county court in which it was executed.

(11) Subject to the above conditions, judgment may be rendered and executed in the same manner and on the same terms as judgments in similar cases where no person under disability is a party.

(12) Provided, that (a) the court may in its discretion authorize the guardian or committee of such person or the commissioner of the court to make said sale at public auction upon such terms and conditions as the court may order, and to convey title thereto; or (b) if the land or interest to be sold be of an appraised value of less than one thousand dollars, the court may in the judgment authorize such fiduciary to make the sale privately and convey title; subject, however, to the approval of the chancellor before consummation.

(13) Without previous judicial proceeding or judgment the guardian of an infant or the committee of a person of unsound mind may *mortgage, or* sell privately or at public auction and convey any interest in real estate owned by a ward for such rea-

sons and purposes and upon such terms and conditions as he shall deem best for the interest of said ward. Provided, however, that no such *mortgage or* sale shall be consummated until same shall have been approved by the judge of the circuit court in the county where the land or a portion thereof is situated in a suit in equity filed by the guardian or committee against said infant or person of unsound mind. The petition shall set forth the reason and purposes of the *mortgage or* sale and the terms thereof.

(14) If the person under disability be brought before the court by service of summons, a guardian ad litem shall be appointed for such person. Proof shall be taken only on notice to said guardian ad litem or, if the person under disability be constructively summoned, on notice to his warning order attorney. Proof may be taken by depositions or orally before the chancellor and thereafter transcribed and filed in the record of the case. The guardian ad litem or warning order attorney shall make a defense or file a report stating that after careful examination of the case he is unable to make a defense.

(15) If the chancellor shall deem the *mortgage or* sale advisable and the terms and price satisfactory, he shall enter an order approving the same; provided, however, that the judgment shall not be entered until the guardian or committee shall have executed a bond with approved surety in an amount not less than the sum due, or to become due, his ward from said *mortgage or* sale providing that he will faithfully discharge all his duties as such guardian or committee and will comply with the judgment and orders of the court, and account for, pay and deliver the proceeds of the *mortgage,* sale or property in which it shall be invested to his ward or other person entitled thereto. The bond shall be approved by the court and recorded in the order book; provided, if the share of the infant in the proceeds does not exceed one hundred dollars, exclusive of interest, no bond shall be required of the guardian; provided further, that if the circuit court, upon examination of a certified copy of the bond executed in the county of his appointment by the guardian or committee, which copy shall be filed in the circuit court, should determine in its discretion that said bond is adequate or sufficient the above bond to be executed in the circuit court shall not be required. The circuit court shall enter an order in the

order book that it has personally examined the certified copy of the bond executed in the county court and found it adequate and sufficient and that no additional bond shall be required in that circuit court. The copy of the bond shall be certified as a true and correct copy of the bond by the clerk of the county court in which it was executed. This proceeding shall be tried and judgment rendered in accordance with the Rules of Civil Procedure.

(16) The court shall at all times enter such orders as will conserve and protect the rights of the person under disability.

(17) No defect or error in the proceeding shall render the judgment or sale void unless the same is of the nature and character that would render the proceeding void if all parties were sui juris.

The Committee on Judiciary reported **HB 89, HB 67,** and **HB 65** without expression of opinion.

The Committee on Judiciary reported **HB 221, HB 169, HB 94** and **HB 274** with the expression of opinion that the same should not pass.

## Calendar

**HB 213, HB 217, HB 205, HB 177, HB 250, HB 285, HB 286, HB 247, HB 260, HR 13, HR 30, HB 52** with Committee Substitute attached thereto, and **HB 271** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

**HR 53;** A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the operation and enforcement of the 1966 Corrupt Practices Act, KRS Chapter 123, and to suggest possible methods of improving and strengthening the basic intent and enforcement of the statutes.

WHEREAS, the basic intent of KRS Chapter 123, that politi-

cal contributions and financing should be made public record is of great public concern and interest; and

WHEREAS, the 1966 General Assembly enacted KRS Chapter 123 in an attempt to accomplish this desired goal;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Legislative Research Commission is directed to undertake a comprehensive study of the operation and enforcement of KRS Chapter 123 since its enactment, specifically those sections dealing with political campaign financing and public disclosure.

Section 2. That said study shall cover, but not be limited to suggestions of possible methods of improvement and strengthening the basic intent of KRS Chapter 123, said intent being public disclosure of political financing.

Section 3. That the Legislative Research Commission shall report its findings to the 1970 session of the General Assembly and recommend appropriate strengthening legislation.

Representative DeMarcus moved the adoption of **HR 53.** Agreed.

Representative Peace moved that **HB 169** be taken from the Committee on Judiciary and given first reading, the report of the Committee on Judiciary notwithstanding.

On the roll call the vote was yeas 53—Akers, Alexander, Allen, Arnett, Ball, Bamberger, Blandford, Blythe, Bowles, Clark, Coffey, Cox, Cruse, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Harper, Hinkle, Hoe, Holbrook, Huff, James, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, McBrayer, McKinney, McNamara, Melton, Robert L. Miller, Peace, Rattliff, Ray, Richey, Riddle, Russell, Sartin, Simmons, Stuart, Vanover, Webster, White, Wolchik, Wright. Nays 6—Baker, Hardin, Pettit, Prather, Rickert, Walters.

The motion that **HB 169** be taken from the Committee on Judiciary and given first reading was adopted.

**HB 169** was read at length for the first time and ordered placed in the Calendar.

**HB 169**, AN ACT relating to attorneys.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Court of Appeals shall license any resident of Kentucky who has graduated from a law school recognized by the American Bar Association and the Association of American Law Schools and who has the following qualifications:

(1) the applicant shall be of good moral character

(2) the applicant shall be at least twenty-one years of age at the time of his licensing by the court

(3) the applicant executes an oath or affirmation that he is not a Communist and that he does not advocate the overthrow of the government of the United States or any state or territory thereof by force or violence.

Section 2. Licensing under this Act shall extend to a non-resident applicant graduating from a recognized school in Kentucky who possesses the qualifications in Section 1 of this Act. Non-resident applicants graduating from a recognized law school in any other state shall be licensed in like manner if that state extends the same privilege to a Kentucky graduate.

Section 3. The dean or the board of directors of the recognized law school from which the applicant was graduated shall present certification of graduation to the Court of Appeals. Any judge of the Court of Appeals shall authorize the clerk to issue the license upon presentation of satisfactory proof of the qualifications in Section 1 of this Act. In computing qualifying time for an elective office the applicant shall be a practicing attorney from the date of graduation from a recognized law school.

**Orders of the Day**

Representative Hardin moved that **HB 60** be taken from Orders of the Day and placed upon its passage.

Representative Pettit moved that **HB 60** be recommitted to the Committee on Judiciary. Agreed.

Representative Hardin moved that consideration of **HB 1** with Committee Amendment attached thereto, **HB 9** with Committee Substitute attached thereto, and **HB 117** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 167** taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, King, Lankford, Lassiter, Lawson, Maddox, Massey, May, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wright. Nays 2—DeMarcus, Walters.

**HB 167** was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 167** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 20** as amended taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson,

Jones, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wright. Nays 2—DeMarcus, James.

**SB 20** as amended was passed and the title agreed to.

Representative Denham moved that the vote by which **SB 20** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 18** taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

The Speaker vacated the Chair. Representative Morgan presiding.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 3—Huff, Hunt, Walters.

**HB 18** was passed and the title agreed to.

Representative Baker moved that the vote by which **HB 18** was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker resumed the Chair.

**HB 255** taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative King moved the adoption of the following amendment to **HB 255:**

> Amend printed copy of House Bill 255 on page 2, line 1, by:
> inserting after the word "by" the following words:
> "the Council on Public Higher Education on the advice of"
> Agreed.

On the roll call the vote was yeas 80—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White. Nays 0.

**HB 255** as amended was passed and the title agreed to.

Representative King moved that the vote by which **HB 255** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 56** taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Walters moved that **HB 56** be laid on the table.

On the roll call the vote was yeas 43—Akers, Allen, Arnett, Baker, Bamberger, Blume, Clark, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Greer, Hardin, Harper, Hoffman, Hunt, Jones, Keene, Kidd, Maddox, McBrayer, McGill, Melton, Mershon,

Robert L. Miller, Murphy, Peace, Pettit, Ray, Richey, Russell, Sartin, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wesley, White, Wolchik, Wright. Nays 28—Alexander, Ball, Ballenger, Blandford, Bleemel, Brown, Bruce, J. A. Davis, DeMarcus, Floyd, Halleck, Henry, Hinkle, Hoe, Holbrook, James, Johnson, Lassiter, Lawson, Louden, McCallum, McNamara, Prather, Rattliff, W. J. Reynolds, Riddle, Wells, Wheeler.

**HB 56** was tabled.

Representative Morgan moved that the House concur in the following three Senate amendments to **HB 111:**

Amend printed copy of House Bill 111 on page 2, line 2, by:
deleting the word "fifteen" and inserting in lieu thereof the word "twenty-five"

Amend printed copy of House Bill 111 on pages 2 and 3, lines 28 and 1, by:
deleting after the word "January" the rest of the sentence in its entirety and inserting in lieu thereof the date "1969".

Amend printed copy of House Bill 111 on page 1, lines 8, 9, by:
deleting the words "manufactured prior to 1932" and inserting in lieu thereof the following: "thirty-five years old or older"
Agreed.

Representative Morgan moved that **HB 111** as amended be placed upon its passage.

On the roll call the vote was yeas 84—Akers, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 0.

**HB 111** as amended was passed and the title agreed to.

Representative Morgan moved that consideration of **HB 261** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 215** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 77—Akers, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lassiter, Lawson, Louden, Massey, McCallum, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wright. Nays 0.

**HB 215** was passed and the title agreed to.

**SB 21** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wright. Nays 0.

**SB 21** was passed and the title agreed to.

Representative Brown moved that the vote by which **SB 21** was passed be reconsidered and said motion be laid on the table. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **SB 110** had been examined and found correctly enrolled. **SB 110** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 5**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Maddox moved the adoption of Committee Amendment to **HB 5.** Agreed.

On the roll call the vote was yeas 62—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Johnson, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, Richey, Rickert, Sartin, Simmons, Stuart, Webster, Wheeler, White, Wolchik. Nays 5—Arnett, Hunt, Maddox, Rattliff, W. J. Reynolds.

**HB 5** as amended was passed and the title agreed to.

Representative Henry moved that the vote by which **HB 5** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 233** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lassiter, Louden, Maddox, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Walters, Webster, Wesley, Wheeler, White, Wright. Nays 0.

**HB 233** was passed and the title agreed to.

**HB 232** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 0.

**HB 232** was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 232** was passed be reconsidered and said motion be laid on the table. Agreed.

**HR 43** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 0.

**HR 43** was passed and the title agreed to.

Representative Morgan moved that consideration of **HB 112** and **HB 123** with Committee Amendment attached thereto be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Morgan moved that **HB 197** be taken from Orders of the Day and placed upon its passage.

Representative King moved that **HB 197** be recommitted to the Committee on Cities.

Representative Isler moved that consideration of **HB 197** be deferred and that it retain its position in Orders of the Day. Agreed.

## Senate Message

Announcing passage of **SB 123** and **SB 180.**

**HB 214** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Cox, Cruse,

Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 0.

**HB 214** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 214** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 223** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 0.

**HB 223** was passed and the title agreed to.

Representative Baker moved that the vote by which **HB 223** was passed by reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 160**

be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Hardin moved that the House adjourn until 10:00 a.m., Friday, February 16, 1968.

On the roll call the vote was yeas 45—Akers, Alexander, Baker, Ball, Bamberger, Blandford, Clapp, Coffey, Cox, James A. Davis, Walter F. Davis, Denham, Greer, Harper, Holbrook, Huff, Jones, Keene, Keith, Kidd, King, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McNamara, Mershon, Robert L. Miller, Murphy, Prather, Rattliff, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Smith, Tobin, Vanover, Wesley, White. Nays 5—Blythe, Halleck, Hoe, Irick, James.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 16, 1968
## THIRTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by Monsignor Joseph A. O'Dwyer, Church of the Good Shepherd, Frankfort.

The roll was called. All present except Representatives Clark, Hampton, Justice, Melton, Saylor and Simmons.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Cruse moved that the reading of the Journal of February 15, 1968, be dispensed with and the same approved. Agreed.

### Recess

Representative Wheeler moved that the House recess for fifteen minutes for Minority Caucus.

Representative W. J. Reynolds moved that the House recess for fifteen minutes for Majority Caucus.

Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Introduction of Bills and Resolutions

**HB 383,** by Representatives Clapp and Maddox: AN ACT relating to education.

**HB 384,** by Representatives Kidd, Bamberger, Blume, Siemens and Ray: AN ACT relating to civil rights.

**HB 385,** by Representative Isler: AN ACT relating to the state sales tax.

**HB 386,** by Representative Blume: AN ACT relating to credit unions.

**HB 387,** by Representative Riddle: AN ACT relating to motor vehicle dealers.

**HB 388,** by Representative W. F. Davis: AN ACT relating to the control of wild animals that carry diseases transmissible to man and domestic animals, and declaring an emergency.

**HB 389,** by Representative James: AN ACT relating to railroad crossings.

**HB 390,** by Representative King: AN ACT relating to State Parks.

**HR 54,** by Representatives McCallum and Lassiter: A CONCURRENT RESOLUTION rqequesting the Governor and the Department of Parks to study possible uses for the twenty-eight sites in the Kentucky Lake area, which were given to Kentucky in 1955 by the Tennessee Valley Authority.

## Report of Committees

The Committee on State Government reported **SB 126** with Committee Amendment attached thereto, **HB 325,** and **HB 170** with Committee Amendments attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 126,** AN ACT relating to the filing and review of administrative regulations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 13.080 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 13.080 to 13.125, *(1) "Administrative Body" means each State board, bureau, commission, department, division, authority, or officer, except the legislature and the courts, authorized by law to make regulations.* [unless the context otherwise requires: (1) "State agency" includes any officer, department, bureau, division, board, authority, agency, commission or institution of this state except the judicial and the legislative branches.]

*(2) "Subcommittee" means Administrative Regulation Review Subcommittee.*

*(3)* [(2)] "Regulation" *means each statement of general applicability issued by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body. The term includes the amendment or repeal of a prior regulation, but does not include (a) statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public, or (b) declaratory rulings, or (c) intradepartmental memoranda.* [includes every rule or regulation made by any state agency, except a rule, regulation or order which:

(a) Relates only to the organization or internal management of the state agency;

(b) Is directed to a specifically named person or to a group of persons, and does not apply generally throughout the state;

(c) Is duly served by the state agency in the manner authorized by law upon the person or persons designated therein as the party or parties legally affected;

(d) Establishes or fixes rates or tariffs; or

(e) Relates to the use of public works, including streets and highways, under the jurisdiction of any state agency when the effect of such rule, regulation or order is indicated to the public by means of signs or signals.]

*(4)* [(3)] Nothing in KRS 13.080 to 13.125 shall prevent any *administrative body* [state agency], in its discretion and subject to the approval of the Legislative Research Commission, from filing, and the Legislative Research Commission from distributing in accordance with KRS 13.080 to 13.125 any rates, tariffs or other documents not required by KRS 13.080 to 13.125 to be filed.

*(5)* [(4)] Compliance with the provisions of KRS 13.080 to 13.125 does not dispense with the requirements of any other law necessary to make the regulation effective.

Section 2. Section 13.081 of the Kentucky Revised Statutes is amended to read as follows:

Unless otherwise provided by law each *administrative body* [agency] may adopt reasonable regulations to implement administration of the functions assigned to it by law, and shall adopt [such] regulations [as are] necessary to the proper execution of those functions. If prepared and filed in accordance with [the provisions of] Chapter 13 of the Kentucky Revised Statutes, the [such] regulations [shall] have the force of law and *shall* be enforced by all law enforcement officers. [In every instance] The power to adopt regulations to implement a particular function is limited by the terms of the grant of authority under which the function was assigned.

Section 3. Section 13.085 of the Kentucky Revised Statutes is amended to read as follows:

(1) *Except as provided in Subsection 5, of Section 4, no* [No] regulation made by any *administrative body* [state agency] after *the effective date of this act* [June 19, 1952] shall become effective until thirty days after an original and *four* [two] duplicate copies of the regulation are filed in the office of the Legislative Research Commission, *and the regulation has been reviewed by the Administrative Regulation Review Subcommittee,* except that when the *administrative body* [state agency] finds that an emergency exists, and such finding is concurred in by the Governor, by written endorsement upon the original regulation, a regulation may become effective immediately upon being filed in the office of the Legislative Research Commission. *The General Assembly hereby declares that it is the state policy that emergencies are held to a minimum and are rarely found to exist.*

(2) Each regulation shall include a citation of the authority pursuant to which it, or any part of it, was adopted.

(3) The Legislative Research Commission shall cause to be endorsed on the original and duplicate copies of each regulation filed the time and date of the filing thereof, *shall transmit a copy to the Administrative Regulation Review Subcommittee,* and shall maintain a file of such regulations for public inspection, with suitable indexes.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

*(1) There is hereby created a permanent subcommittee of the Legislative Research Commission to be known as the Administrative Regulation Review Subcommittee. The subcommittee shall be composed of three members, no more than two of whom shall be members of the same political party. The Legislative Research Commission shall appoint from the membership of the General Assembly, the members of the subcommittee for terms of two years, and shall name one member so appointed to serve as chairman. Any vacancy which may occur in the membership of the subcommittee shall be filled by the Legislative Research Commission at its next regularly scheduled meeting after the occurrence of the vacancy.*

*(2) The subcommittee shall meet monthly at such time and place as the chairman may determine. The members of the subcommittee shall be compensated for attending meetings as provided in KRS 7.090 (2).*

*(3) Any professioinal, clerical or other employes required by the subcommittee shall be provided in accordance with the provisions of KRS 7.090 (4) and (5).*

*(4) It shall be the duty of the subcommittee to review all regulations filed by administrative bodies after the effective date of this Act, and determine if the regulations conform to the statutory authority under which they were promulgated and if they carry out the legislative intent. The subcommittee's approval of a regulation shall be reported to the promulgating administrative body and to the Director of the Legislative Research Commission. In the event the subcommittee determines that a regulation, other than an emergency filing approved by the Governor, does not conform to the statutory authority, or does not coincide with the legislative intent, the subcommittee shall attach to the regulation a written notation of its disapproval, including a statement of the reasons therefor, and shall return the regulation to the promulgating administrative body. Notice of such disapproval shall be given by the subcommittee to the Director of the Legislative Research Commission.*

*(5) The promulgating administrative body may revise a*

*disapproved regulation to comply with the subcommittee's objections, and may return the revised regulation to the subcommittee, or it may return the regulation, with the subcommittee's notation attached, without change. No regulation disapproved by the subcommittee shall become effective until thirty days after the date it is returned to the subcommittee by the promulgating administrative body and refiled with the Legislative Research Commission.*

*(6) In the event the subcommittee determines that a regulation carrying an emergency filing does not conform to the statutory authority, or does not coincide with the legislative intent, the subcommittee shall attach to the regulation a written notation of its position, including a statement of the reasons therefor.*

*(7) The subcommittee shall report monthly to the Legislative Research Commission all action taken on administrative body's regulations.*

*(8) All regulations disapproved by the subcommittee and not revised by the promulgating administrative body, and all emergency filed regulations carrying a statement of disapproval, together with the notations of the subcommittee's disapproval, shall be transmitted by the Commission to the clerk of the Senate and the clerk of the House of Representatives on or before the first day of each regular session of the General Assembly. The clerk of the Senate and the clerk of the House of Representatives shall lay all regulations so transmitted before the Senate and the House of Representatives, respectively, for such action as the respective legislative bodies may determine to be appropriate.*

Sction 5. Section 13.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The [Legislative Research] Commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The Commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The [Legislative Research] Commission shall furnish advice and assistance to all administrative bodies [state agen-

cies] in the preparation of their regulations, and in revising, codifying and editing existing or new regulations.

Section 6. Section 13.096 of the Kentucky Revised Statutes is amended to read as follows:

(1) The [Legislative Research] Commission shall compile, publish and distribute the regulations filed by *administrative bodies* [state agencies] in a manner which will accommodate changes in regulations and will allow distribution of any topical or organizational part of the regulations as well as all of them. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

(2) The Commission shall prescribe reasonable fees for subscription to the Kentucky Administrative Regulations Service. All fees paid to the Commission for this service shall be placed in the State Treasury to the credit of a revolving, trust or agency fund account, for use by the Legislative Research Commission in carrying out the provisions of this section.

Section 7. Section 13.102 of the Kentucky Revised Statutes is amended to read as follows:

No *administrative body* [state agency] other than the [Legislative Research] Commission shall publish administrative rules or regulations unless the rules or regulations are enclosed in a booklet or binder on which the words "Informational Copy" are clearly stamped or printed.

Section 8. Section 13.105 of the Kentucky Revised Statutes is amended to read as follows:

The courts shall take judicial notice of any regulation duly filed under the provisions of KRS *Chapter 13* [13.080 to 13.125], after the regulation has become effective.

Committee Amendment to **SB 126** is as follows:

Amend printed copy of Senate Bill 126 on page 2, line 7, by:

Substituting a comma for the period following the word "memoranda" and adding after such comma the following: *or (d) an official order of the Commissioner of Highways which re-*

*lates to the use of the State Primary Road System when the effect of such order is indicated to the public by means of signs, signals or markings.*

**HB 325,** AN ACT relating to the County Employes Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

In the event a county fiscal court, participating in the County Employes Retirement System in accordance with the provisions of KRS 78.510 to 78.880, establishes a County Police Retirement System in accordance with the provisions of KRS 70.580 to 70.598:

(1) Any member of the County Employes Retirement System who is eligible for membership in the newly created County Police Retirement System shall have the privilege of continuing in membership in the County Employes Retirement System by filing an affidavit of his intention to exercise this privilege within thirty days of the date of the establishment of the County Police Retirement System.

(2) Within ninety days of the establishment of the newly created County Police Retirement System, the Board of Trustees of the County Employes Retirement System shall pay the members of the newly created system the amount of their accumulated employe contributions.

(3) The County Employes Retirement System shall credit to the county fiscal court against the amount due under KRS 78.620 after the date of the establishment of the County Police Retirement System, ninety-eight percent of the employer contributions made to the County Employes Retirement System with respect to the members of the newly created system decreased by the actuarially determined cost to the County Employes Retirement System of payments to retired patrolmen and their beneficiaries and the actuarially determined cost of service as a patrolman of such county previously credited to other members of the County Employes Retirement System.

(4) After the date of establishment of the County Police Retirement System, no person shall receive credit in the County Employes Retirement System for service as a patrolman in a county establishing a County Police Retirement System.

**HB 170,** AN ACT concerning procedure of state administrative agencies and review of their determinations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act:

(1) "Administrative Body" means each state board, bureau, commission, department, division, authority, or officer, except the legislature and the courts, authorized by law to make regulations;

(2) "Agency" means each administrative body, except the Division of State Police, the Personnel Board, the Kentucky State Racing Commission, the Kentucky Trotting Commission, Department of Economic Security, the Workmen's Compensation Board, the Board of Claims, the Department of Revenue, the Kentucky Board of Tax Appeals, the legislature and the courts, authorized by law to dispose of contested cases;

(3) "Commission" means the Legislative Research Commission;

(4) "Contested Case" means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing;

(5) "Examiner" means the State Administrative Hearings Examiner whose office is created by this Act;

(6) "License" includes the whole or part of any permit, certificate, approval, registration, charter, or similar form of permission issued under authority of the state and required by law, but it shall not include a license required solely for revenue purposes;

(7) "Licensing" includes the administrative process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;

(8) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

(9) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

(10) "Regulation" means each statement of general applicability issued by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body. The term includes the amendment or repeal of a prior regulation, but does not include (a) statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public, or (b) declaratory rulings issued pursuant to Section 8, or (c) intra-departmental memoranda.

Section 2. Unless otherwise provided by law each administrative body may adopt reasonable regulations to implement administration of the functions assigned to it by law, and shall adopt regulations necessary to the proper execution of those functions. If prepared and filed in accordance with this Act and KRS Chapter 13 the regulations have the force of law and shall be enforced by all law enforcement officers. The power to adopt regulations to implement a particular function is limited by the terms of the grant of authority under which the function was assigned.

Section 3. (1) Prior to the adoption, amendment or repeal of any regulation the administrative body shall:

(a) Give at least twenty days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have

made timely request of the administrative body for advance notice of its regulation-making proceedings and shall be published in the Kentucky Administrative Regulations Service;

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive regulations, opportunity for oral hearing must be granted if requested by 25 persons, by a governmental subdivision or agency, by an association having not less than 25 members. The administrative body shall consider fully all written and oral submissions respecting the proposed regulation.

(c) The requirements contained in Section 2 and 3 of this Act for the adoption, amendment or repeal of any regulation are in addition to any requirement for advertising regulations under the provisions of KRS Chapter 424 contained in any statutes establishing such administrative body and prescribing its functions.

(2) No regulation hereafter adopted is valid unless adopted in substantial compliance with this Section. A proceeding to contest any regulation on the ground of non-compliance with the procedural requirements of this Section must be commenced within two years from the effective date of the regulation.

Section 4. (1) Within thirty days after the effective date of this Act, each administrative body shall file, in accordance with the provisions of KRS Chapter 13, all regulations which were adopted by such administrative body prior to the effective date of this Act, and which are still effective and all regulations which were adopted by such administrative body prior to the effective date of this Act and which do not become effective until after the effective date of this Act.

(2) All regulations filed prior to the effective date of this Act, whether or not they shall have become effective, are rescinded effective sixty days after the effective date of this Act.

(3) In filing the regulations described in this section, the administrative body shall not be required to advertise such regulations under the provisions of KRS Chapter 424, nor to comply with the requirements of this Act for the adoption, amendment or repeal of regulations.

Section 5. (1) The Commission shall prescribe rules governing the manner and form in which regulations shall be prepared, to the end that all regulations shall be prepared in a uniform manner. The Commission may refuse to accept for filing any regulation that does not conform to the rules.

(2) The Commisison shall furnish advice and assistance to all administrative bodies in the preparation of their regulations, and in revising, codifying and editing existing or new regulations.

Section 6. The Commission shall compile, publish and distribute the regulations filed by administrative bodies in a manner which will accommodate changes in regulations and allow distribution of any topical or organizational part of the regulations as well as all of them. This compilation shall be known as the Kentucky Administrative Regulations Service and shall constitute the official state publication of administrative regulations.

Section 7. The validity or applicability of a regulation may be determined in an action for declaratory judgment in the circuit court of the county of the plaintiff's residence, or in the circuit court of Franklin County, if it is alleged that the regulation, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The administrative body shall be made a party to the action. A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass upon the validity or applicability of the regulation in question.

Section 8. Each administrative body shall provide by regulation for the filing and prompt disposition by it of petitions for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the administrative body. Rulings disposing of petitions have the same status as agency decisions or orders in contested cases.

Section 9. (1) Each agency shall promptly refer to the examiner all contested cases arising before it. The examiner shall conduct all hearings in contested cases and make findings of fact and conclusions of law. Upon referral of a contested case from an agency, the examiner shall give at least twenty days' notice of the

hearing by registered or certified mail to all parties and shall conduct same in accordance with this Act.

(2) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(3) Upon conclusion of the hearing, the examiner shall deliver or transmit by registered or certified mail to the agency which is a party to the contested case the record of the proceedings before the examiner together with the examiner's findings of fact and conclusions of law. The examiner may make recommendations as to appropriate disciplinary or other action. The examiners findings of fact, conclusions of law, and any such recommendations are not binding upon the agency. A copy of the findings of fact, conclusions of law and the examiner's recommendations, if any, shall be served upon each party in person or by registered or certified mail. Within twenty days after receipt of the record of the proceedings before the examiner and the findings of fact, conclusions of law, and recommendations, if any, of the examiner, the agency shall set the matter for hearing upon the issue of appropriate disciplinary or other action and shall notify the parties of the time and place of the hearing, but the hearing may be waived by consent of the parties where the examiner has made recommendations as to appropriate disciplinary action. In case of waiver by the parties, the recommendations of the examiner shall be adopted as the order of the agency. Any party may appear at the hearing and be represented by counsel. The agency may receive evidence relevant to the issue from any party or from any other source. After the hearing, the agency may make any order it deems appropriate and which is authorized by law.

(4) If the examiner finds that the evidence is insufficient to support any action or refusal to act proposed by the agency or other party, he shall recommend that an order of dismissal be made by the agency.

Section 10. (1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

(2) The notice shall include:

(a) A statement of the time, place, and nature of the hearing;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved;

(d) A short and plain statement of the matters asserted. If the examiner, or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(3) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(4) The record in a contested case shall include:

(a) All pleadings, motions, intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions;

(f) Any decision, opinion, or report by the officer presiding at the hearing.

(5) Oral proceedings or any part thereof shall be transcribed on request of any party.

(6) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

Section 11. In contested cases:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the circuit courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly

relied upon by reasonably prudent men in the conduct of their affairs. The examiner shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing shall be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

(3) A party may conduct cross-examinations required for a full and true disclosure of the facts;

(4) Notice may be taken of judicially recognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed.

Section 12. In any contested case the examiner shall on request of any party issue subpoenas and shall in a proper case issue subpoenas duces tecum. Subpoenas other than subpoenas duces tecum shall on request of any party be issued with the caption and number of the case, the name of the witness, and the date for appearance in blank, but such caption, number, name and date shall be filled in by the party before service. Subpoenas shall extend to all parts of the state, and shall be served and returned as in civil actions in the circuit court. The witness shall be entitled to the same fees as are provided for witnesses in civil actions in the circuit court, such fees to be paid by the party or agency subpoenaing him, upon certification of attendance by the examiner, except where the payment of such fee is otherwise provided for by law. The examiner shall enforce subpoenas by applying to a judge of the circuit court of the county of the hearing or of any county where the witness resides or may be found, for an order upon any witness who fails to obey a subpoena to show cause why such subpoena should not be enforced. The

order of the court and a copy of the application therefor shall be served upon the witness in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, the court shall order obedience to the subpoena and if the witness fails to obey the order proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court. An examiner may delegate to any employee the power to issue subpoenas in contested cases; except where otherwise authorized by law, subpoenas duces tecum shall be issued only by order of the examiner.

Section 13. A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include the examiners findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If a party submits proposed findings of fact, the examiner's findings shall include a ruling upon each proposed finding. A copy of any decision or order shall be delivered either personally or by mail to all attorneys of record, and to any party to the proceeding who is not represented by an attorney.

Section 14. (1) When the grant, denial, or renewal of a license is required to be preceded by notice and opportunity for hearing, the provisions of this Act concerning contested cases apply.

(2) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until after opportunity for hearing under this Act has been afforded and the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.

(3) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of agency

proceedings, the agency gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action but such summary action may be modified or abrogated by the agency head. These proceedings shall be promptly instituted and determined.

Section 15. Within thirty days after this Act becomes effective and every four years thereafter, the Governor shall appoint a state administrative hearings examiner for a term of four years. The compensation of the examiner shall be fixed pursuant to KRS 64.640. Vacancies in the office shall be filled by the Governor for the unexpired term.

Section 16. (1) The examiner shall take the oath required by the constitution. He shall devote his entire time to the duties of his office.

(2) The examiner shall appoint a stenographic reporter and may appoint deputy examiners and such other personnel as is necessary to the performance of his duties.

(3) The examiner shall maintain his office at Frankfort in quarters provided by the Department of Finance but he may conduct hearings in any part of the state. He shall be reimbursed for all traveling expenses incurred in the performance of his duties.

(4) The examiner shall possess the qualifications fixed by the Constitution for a circuit judge except that residence in any particular district is not required.

(5) The Governor may appoint an acting examiner to serve during any period in which the examiner is temporarily incapacitated who shall have the same powers as the examiner. He shall possess the same qualifications as the examiner but may also engage in the practice of law insofar as same may be carried on

without the representation of persons in connection with proceedings before a state administrative agency.

Section 17. (1) All final decisions of an agency are subject to judicial review under this Act. An agency decision shall become final when a copy of the decision is filed in the office of the examiner. In the event a rehearing is requested, the request shall be made within ten days from the date upon which the agency decision becomes final.

(2) Proceedings for review are instituted by filing a petition in the Franklin Circuit Court or in the circuit court of the county of the aggrieved person's residence within thirty days after the decision of the agency becomes final, or, if a rehearing is requested, within thirty days after the decision thereon becomes final. Copies of the petition shall be served upon the agency and all parties of record.

(3) The filing of the petition does not itself stay enforcement of the agency decision. The agency may grant, or for good cause the reviewing court may order, a stay upon appropriate terms.

(4) Within twenty days after the service of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent correction or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(6) The review shall be conducted by the court without a jury and shall be confined to the record. The court, upon request, may hear oral argument and receive written briefs.

(7) The court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the agency;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly without support of the substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Section 18. An aggrieved party may obtain a review of any final judgment of the circuit court under this Act by appeal to the Court of Appeals. The appeal shall be taken as in other civil cases.

Section 19. KRS 44.280 is amended to read:

If a hearing by the contracting agency is held *it shall be held in accordance with the provisions of this Act.* [, and a record thereof is made, the final disposition of the claim by the agency may be appealed to the Franklin Circuit Court. On appeal no new evidence may be introduced except as to fraud or misconduct of some person engaged in the hearing before the contracting agency. The court sitting without a jury shall hear the cause upon the record before it, and dispose of the appeal before it in a summary manner, being limited to determining: whether or not the contracting agency acted without or in excess of its powers; the decision was procured by fraud; the decision is not in conformity to law, and whether the findings of fact sup-

port the decision of the contracting agency. The court shall enter its findings as a judgment of the court, and such judgment shall have the same effect and be enforceable as any other judgment of the court in civil cases.]

Section 20. KRS 138.665 is amended to read:

(1) A license shall be required of each motor carrier or heavy equipment motor carrier before he uses or continues to use gasoline or special fuels on the public highways of this state, except the department may issue a trip permit for each motor vehicle for a fee of ten dollars for each permit.

(2) Application for a license or trip permit shall be made to the department and shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the motor carrier or heavy equipment motor carrier shall file with the department a bond as required under KRS 138.670. No license shall be issued to any person unless such person has furnished a bond as provided in KRS 138.670 to secure payment of taxes, penalties and interest imposed by KRS 138.655 to 138.725.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previosly been revoked for cause by the department, or if the department is of the opinion that the person who makes the application does so as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not sufficient cause, the department may, after a hearing [of which the applicant shall be given ten days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony,] *as provided in this Act* refuse to issue a license to that person,

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

(8) Each holder of such license shall display such license number or other identification in the manner prescribed by the department.

Section 21. KRS 138.670 is amended to read:

(1) Every motor carrier and heavy equipment motor carrier shall file with the department a corporate bond, cash bond or securities approved by the department in the minimum amount of five hundred dollars and in a maximum amount of four month's liability for taxes imposed under KRS 138.655 to 138.725 but not to exceed fifty thousand dollars. The applicant for a license shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the licensee to the department of all taxes levied under KRS 138.655 to 138.725, together with all penalties and interest thereon and generally upon faithful compliance with the provisions of KRS 138.655 to 138.725.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the department any surety has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory surety in the same form and amount, failing which the department shall forthwith cancel the license. If a new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If, upon hearing *as provided in this Act* [of which the licensee shall be given ten days' notice in writing], the department decides that the amount of the existing bond is insufficient

to insure payment to this state of the amount of the tax, penalties and interest for which the licensee is or may become liable, the licensee shall forthwith, upon written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license.

(4) Any surety on a bond furnished by a licensee shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department, a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly, on receipt of the request, notify the licensee who furnished the bond, and unless the licensee shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license. If the new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 22. KRS 151.180 is amended to read:

Prior to the denial of an application for a water withdrawal permit or the issuance of a permit for amounts less than the applicant applied for, the person, business, industry, city, county, water district or other political subdivision aggrieved thereby, shall be notified by the division and given an opportunity to appear before the division and be heard *as provided in this Act.* [Within thirty days of an order of the division denying a permit, or an order issuing a permit in amounts less than those applied for, the aggrieved person may appeal the order of the division to the circuit court of the county in which the applicant resides as provided in KRS 151.190.]

Section 23. KRS 151.270 is amended to read:

Any person, including municipalities, or other agencies of the state or Federal government, to whom the division has denied

a permit or who cannot agree to the modifications proposed by the division in the plans and specifications for the construction, reconstruction, relocation, improvement or enlargement of any project for which a permit is required by KRS 151.250, and who considers himself aggrieved thereby, may obtain a *hearing in accordance with the provisions of this Act.* [review of the division's order, by filing in the circuit court, within sixty days after entry of the order, a written petition praying that the order be modified or set aside in whole or in part. The court shall hear the case without a jury, and the burden of proof shall be on the proponent of the project. An appeal may be taken from the judgment of the circuit court to the Court of Appeals on the same terms and conditions as an appeal is taken in any civil action.]

Section 24. KRS 156.132 is amended to read:

(1) The Superintendent of Public Instruction or the State Board of Education shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher or other public school officer who in his or their opinion is guilty of immorality, misconduct in office, incompetency or willful neglect of duty.

(2) The Superintendent of Public Instruction shall recommend by written charges the suspension by the State Board of Education of any district board member or superintendent of schools who in his opinion is guilty of immorality, misconduct in office, incompetency or willful neglect of duty. The State Board of Education shall, after a [summary] hearing as provided by *this Act* [regulations], suspend any district board of education member or superintendent of schools, who in the opinion of the majority of the State Board of Education is guilty of gross immorality, misconduct in office, incompetence or wilful neglect of duty. Such action by the State Board of Education may be taken upon a recommendation of the Superintendent of Public Instruction, or such action may be taken by a majority vote of the State Board of Education without recommendation from the Superintendent of Public Instruction.

(3) The State Board of Education may suspend a district superintendent of schools under subsection (2) of this section

only if after thirty days of receipt of the written charges specified in subsection (1) of this section, the district board of education has refused to act, has acted in bad faith, arbitrarily or capriciously, or if a recommendation to the district board would have been futile.

*(4) Upon completion of both sides of the case, but within ninety days from the date the officer was suspended, the State Board of Education may by a majority vote remove the officer. If within ninety days from the date of suspension, the State Board has not removed the officer, or has dismissed the charges, the suspended officer shall be reinstated and shall be paid his full salary for the period of such suspension.*

Section 24a. KRS 161.120 is amended to read:

Any certificate issued under KRS 161.010 to 161.110, or any certificate or license issued under any previous law to superintendents, principals, teachers, supervisors, attendance officers or other administrative, supervisory or instructional employes may be revoked by the State Board of Education, on the written recommendation of the Superintendent of Public Instruction, for immorality, misconduct in office, incompetency or willful neglect of duty. Before the certificate is revoked the defendant shall be given a copy of the charges against him and an opportunity[, upon not less than ten days' notice,] to be heard *as provided in this Act.* [in person or by counsel.]

Section 25. KRS 161.790 is amended to read:

(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, including but not limited to 1. violations of lawful rules and regulations established by the local board of education for the operation of schools, and 2. refusal to recognize or obey the authority of the superintendent, principal, or any other supervisory personnel of the board in the performance of their duties;

(b) Immoral character or conduct unbecoming a teacher;

(c) Physical or mental disability;

(d) Inefficiency, incompetency, or neglect of duty, when

a written statement identifying the problems or difficulties has been furnished the teacher or teachers involved.

(2) (a) Charges on the above causes shall be supported by written records of teacher performance by the superintendent, principal, or other supervisory personnel of the board.

(b) Marriage of a teacher shall not be cause for termination of the contract.

(3) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, specifying in detail the charge or charges against said teacher, signed by the chairman and secretary of the board of education and *order a hearing as provided in this Act* [naming a date and place] at which the teacher may appear [before the board of education] and answer said charge or charges. [Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher shall within ten days after the receipt of the written statement of such charges notify the board of education of his intention to appear and answer such charges, and upon failure of the teacher to give such notice, the board of education may dismiss the teacher by a majority vote and such dismissal shall be final.

(4) Upon receipt of the teacher's notice of intention to appear and answer such charges, the board of education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issue shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the board of education. The board of education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the board of education may by a majority vote dismiss the teacher or may defer its action for not more than five days.]

*(4)* [(5)] The board of education may, on recommendation of the superintendent, suspend a teacher pending final action

to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

[(6) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal is not made within thirty days after dismissal, then the decision of the board of education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such board of education, in which petition the facts shall be alleged upon which the teacher relies for a reversal or modification of the order of termination of contract. Upon service or waiver of summons in said appeal, such board of education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a transcript of all evidence adduced at the hearing before such board, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing before the board of education and shall hold such additional hearings as it may deem advisable, at which it may consider other evidence in addition to such transcript and record. Upon final hearing, the court shall grant or deny the relief prayed for in the petition as may be proper under the provisions of KRS 161.720 to 161.810 and in accordance with the evidence adduced at the hearing. Either the teacher or the board of education may appeal from the action of the court to the Court of Appeals.

Section 26. KRS 166.060 is amended to read:

The State Board of Education may remove the president, and upon recommendation of the president shall remove any officer, teacher or other employe, but neither the president nor any other officer or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct. Neither the president nor any other officer or teacher shall be removed until *an opportunity has been given him to be heard as provided in this Act.* [after ten days' notice in writing stating the nature of the charges preferred, and until after an

opportunity has been given him to make defense before the board by counsel or otherwise, and to introduce testimony which shall be heard and determined by the board.]

Section 27. KRS 171.290 is amended to read:

In a proceeding to revoke a certificate of librarianship under the provisions of KRS 171.990(2), *the hearing shall be conducted as provided in this Act.* [written notice of the proposed action shall be delivered in person, or forwarded by registered mail to the holder of the certificate at his last known post office address, stating the cause for the contemplated action together with a copy of the charges and appointing a time and a place for the hearing by the board.]

Section 28. KRS 176.160 is amended to read:

(1) After obtaining such information as it deems necessary relative to the qualification of the applicant, the department shall determine whether or not the applicant is eligible to bid upon road contracts. The department shall promptly notify all applicants of its final action on their applications.

(2) If the department determines that the applicant is eligible, it shall issue to him a certificate of eligibility which shall entitle the applicant to bid upon any contract with the department for the construction or maintenance of any public road or section thereof upon which bids are being asked.

(3) If the department determines that the applicant is inelgible to bid, it shall reject the application and refuse to issue the certificate of elgibility, and the applicant shall not thereafter make application for a certificate of eligibility until he is qualified, both financially and in all other ways.

*(4) Any applicant aggrieved by the decision of the department shall be entitled to a hearing as provided in this Act.*

Section 29. KRS 176.190 is amended to read:

A certificate of eligibility may be revoked by the department only after [a written notice is given to the qualified bidder and] an opportunity *has been* given to him to be heard *as provided in this Act.* [by the department.] The notice shall enumerate the grounds on which the revocation is proposed to be issued.

Section 30. KRS 177.130 is amended to read:

(1) The department *may hold a hearing as provided in this Act to* [shall give at least ten days' notice by registered mail to the railroad company of a hearing to be held at a time and place stated in the notice, at which hearing it shall] consider whether or not the proposed grade separation or change is reasonably necessary and the most advantageous method of effecting the grade separation or change. If the department finds that the grade separation or change is reasonably necessary, it shall make an order to that effect and furnish a copy thereof by registered mail to the railroad company. The order shall specify the location of the crossing to be substituted, the grade thereof, whether it shall pass over or under the railroad tracks, the width of the crossing and the angle at which the crossing shall meet and converge into the roadbed on either side of the railroad tracks. The order may direct the railroad company to prepare plans, specifications and estimates of cost for the grade separation or change in accordance with the general plan prescribed by the order. The order may provide that the plans, specifications and estimates of cost shall be prepared by the department.

(2) When a primary road is relocated and the grade is separated and the new underpass or overhead bridge is located at some point other than the old grade crossing, and when it is necessary that the original grade crossing on the old road be left in for the accommodations of the local public to be used as a county road or private road leading into the primary road, the department shall not take any of the responsibility for the closing of the grade crossing, but its status shall be left to the discretion of the county officials and the railroad company.

Section 31. KRS 177.935 is amended to read:

The department is hereby empowered to:

(1) Exercise general supervision of the administration and enforcement of KRS 177.905 to 177.950.

(2) Adopt [, after hearing,] such rules and regulations pertaining to the operation of automobile, vehicle, machinery or material junkyards as the commissioner may deem necessary to the administration and enforcement of KRS 177.905 to 177.950.

(3) Adopt [, without hearing,] rules and regulations with respect to the sufficiency, type of material or foliage, height, density and size of screening required by KRS 177.915 to insure the accomplishment of the purpose of KRS 177.905 to 177.950.

(4) Adopt [, without hearing,] rules and regulations with respect to the procedural aspects of hearings, the filing of reports and orders, the issuance of permits and other matters.

(5) Issue [, after hearing,] orders abating the operation of an automobile, vehicle, machinery or material junkyard in violation of the provisions of KRS 177.905 to177.950, or requiring the adoption of remedial measures including the construction or planting of screens or the utilization of natural screening, extension, modification or addition to new or existing screens.

(6) Issue, continue in effect, revoke, modify or deny under such conditions as the department may prescribe permits for the operation of an automobile, vehicle, machinery or material junkyard.

(7) Make investigations or inspections which may be deemed necessary by the commissioner to insure compliance with the provisions of KRS 177.905 to 177.950, or with any rules, regulations or orders of the department which may be deemed necessary to enable the department to administer and enforce the provisions of KRS 177.905 to 177.950.

(8) Institute in a court of competent jurisdiction procedures, including injunctive relief, to compel compliance with the provisions of KRS 177.905 to 177.950 and with the orders, rules and regulations issued pursuant thereto.

(9) Enter at any reasonable time through any officer, assistant, agent or employe in or upon any public or private property for the purpose of investigation and inspection of conditions relating to the operation of any automobile, vehicle, machinery or material junkyard.

(10) Perform such other and further acts as may be necessary, proper or desirable in order to carry out effectively the duties and responsibilities of the department prescribed in KRS 177.905 to 177.950.

Section 32. KRS 177.940 is amended to read:

*Any person who considers himself aggrieved by an order or determination is entitled to a hearing as provided in this Act.* [(1) Public hearings shall be conducted by the department prior to the adoption of any rules or regulations which pertain to the prevention, abatement or control of automobile, vehicle, machinery or material junkyards or before the issuance of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of any rules, regulations, orders or permits of the department; or before denial, revocation or modification of any permit provided for by KRS 177.905 to 177.950; or before any other final determination is made by the department which directly affects the activities of any person.

(2) The department shall grant a hearing to any person, not previously heard in connection with the issuance of any order or the making of any determination, who may consider himself aggrieved by any such order or determination and who shall file with the department a verified petition alleging that such order or determination is contrary to law or that is injurious to him, stating the grounds and reasons therefor and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney, may present his side and may submit evidence, and shall be given full opportunity to be heard.

(3) The hearings provided for in KRS 177.905 to 177.950 may be conducted by the commissioner, deputy commissioner or any highway official designated by the commissioner in the name of the department at a time and place specified by the commissioner.]

Section 33. KRS 183.032 is amended to read:

[(1)] Processes and proceedings under this chapter shall *conform to the provisions of this Act.* [be as summary and simple as possible. The department, or any employe thereof, for the purpose of this chapter, may subpoena witnesses, administer or cause to have administered oaths; and examine, or cause to have examined, parties and such parts of the books and records of the parties to a proceeding as relate to the question under consideration.

(2) The sheriff shall serve all subpoenas of the department and shall receive from the department the same fee as provided by law for like service in civil actions.

(3) Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage for witnesses in civil cases in the circuit court to be paid by the party at whose request the witness was subpoenaed.

(4) The circuit court shall, on application of the department or any officer thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.]

Section 34. KRS 183.540 is amended to read:

(1) Any person seeking to engage in the operation of a common carrier in intrastate commerce of persons or property by aircraft, shall first obtain a certificate of public convenience and necessity from the department in accordance with the provisions of this section and KRS 183.530 to 183.620. All certificates issued to common carriers shall automatically grant to such common carriers the right to conduct charter operations that originate at a point on said carrier's route to any other point in the state, and return. Any such certificate shall be null and void unless the person to whom the certificate is granted, shall in good faith, begin and continue to operate under the terms of the certificate.

(2) If it appears from the application that the applicant is a holder of a certificate of public convenience and necessity issued by the Civil Aernautics Board and that the applicant is operating between two or more points in this state pursuant to such certificate, the department shall forthwith issue to the applicant an intrastate certificate of public convenience and necessity authorizing the applicant to engage in transportation by air of persons and property between all of the points in this state between which the applicant is authorized to operate by the terms of its interstate or federal certificate.

(3) Any person engaged or seeking to engage in the air transportation of persons or property in intrastate commerce for hire on an unscheduled basis and not between fixed points shall

first obtain a charter permit from the department. Upon filing of an application for a charter permit the department shall cause notice of such filing to be given by mail not less than thirty days before granting such application, addressed to all air common carriers and all holders of charter permits and applicants therefor whose operations or proposed operations would be affected by the granting of the permit and upon any other person deemed by the department to have an interest in such application.

(4) If no objection to the granting of such permit is filed with the department within thirty days after the mailing of the notice, the department may proceed informally, in accordance with such rules and regulations as it may adopt, and grant or deny such application in whole or in part and upon such terms and conditions as the public interest may require.

(5) If objection is filed and a hearing requested by an interested party, the department shall set the application down for hearing *as provided in this Act* [and disposition in accordance with the procedure set forth in KRS 183.560, 183.570 and 183.620.]

Section 35. KRS 183.560 is amended to read:

When an application for an intrastate common carrier certificate of public convenience and necessity has been filed, the *notice of hearing thereon shall be mailed* [department shall fix a time and place for hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than thirty days, exclusive of the date of mailing, before such hearing, addressed] to all holders of intrastate certificates and interstate certificates issued by the Civil Aeronautics Board as well as intrastate certificate applicants therefor whose operations or proposed operations would be affected by the grant of the proposed certificate, and upon any other person deemed by the department to have an interest in such proceeding. Notice shall also be given to the mayors of all cities on the requested route. All interested persons shall have the right to intervene and to participate in all proceedings either in person or by attorney.

Section 36. KRS 183.570 is amended to read:

(1) The department is hereby vested with the power and authority and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to hear and determine under such rules and regulations as it may promulgate whether the public convenience and necessity require such proposed service. *The promulgation of rules and regulations and the hearings and determinations required by this section shall be accomplished in accordance with the provisions of this Act.*

(2) The department shall issue a certificate authorizing the whole or any part of the transportation requested by the application if it finds the applicant is fit, willing and able to perform such transportation properly and to conform to applicable provisions of this chapter and the rules, regulations and requirements of the department hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(3) The department may also issue a certificate to engage in temporary air transportation for such limited periods as may be required by the public convenience and necessity if it finds after [notice and] hearing that the applicant is fit, willing and able to perform such transportation and to conform to the provisions of this chapter and the rules, regulations and requirements of the department hereunder.

(4) Each certificate issued hereunder shall specify the terminal and intermediate points between which the carrier is authorized to provide air transportation and the service to be rendered, and the department may impose such reasonable terms, conditions and limitations as the public interest may require.

(5) Each certificate shall be effective from the date specified therein and shall continue in effect until suspended, surrendered or revoked as hereinafter provided, or until the department shall certify that operation thereunder has ceased. If issued for a limited or temporary period of time the certificate shall continue in effect until the expiration thereof.

(6) The department, upon petition or complaint, or upon its own initiative, after [notice and] hearing, may alter, amend,

modify or suspend any such certificate in whole or in part if the public convenience and necessity so require, or may revoke any such certificate in whole or in part for failure to comply with any provision of this chapter or any order, rule or regulation issued hereunder or any term, condition or limitation of such certificate.

(7) No certificate may be transferred except upon proper application and hearing and approval by the department as being consistent with the public interest.

(8) No air carrier shall abandon any route or part thereof for which a certificate has been issued by the department unless, upon application of such carrier, after [notice and] hearing, the department shall find such abandonment to be in the public interest. Any interested person may intervene and be heard in opposition or support of such abandonment. The department may by order, regulation or otherwise authorize such temporary suspension of service as may be in the public interest.

(9) No certificate shall confer any property, proprietary or exclusive right in the use of any airspace, airport, state airway or other air navigation facility.

(10) No certificate shall be required for the transportation of United States mail unless passengers or freight are also transported.

(11) The jurisdiction of the department shall extend only to common carriers engaged in, or who seek to engage in, intrastate commerce. [Orders of the department shall be served upon all parties to said proceedings and shall become effective as determined by the department. Any party to such hearing may, upon proper petition, be granted a rehearing if such petition is filed within thirty days after the issuance of the order. Upon granting of any rehearing the department may suspend prior orders until the petition for rehearing is determined.]

Section 37. KRS 183.580 is amended to read:

All common carriers subject to KRS 183.530 to KRS 183.620 shall before engaging in business file with the department and keep open to public inspection at its offices and stations schedules

showing all rates, fares and charges for transportation of passengers, or property between different points on its route or routes, and also between points on its own route and on the routes of other common carriers when a through route and joint rate have been established. No intrastate common carrier shall accept or receive any person or property for transportation until the requirements of KRS 183.530 to 183.620 have been complied with and no such carrier shall charge, demand, collect, or receive a greater or less or different remuneration for such transportation, or for any service in connection therewith than the rates, fares and charges which have been legally established and filed with the department; nor shall any such carrier refund or remit in any manner or by any device, any portion of the rates, fares and charges so established when service is rendered in accordance with published tariffs. The department is vested with the power and authority to supervise, regulate and fix, alter and determine just, fair, reasonable and sufficient rates, fares, and charges and classifications. No order of the department affecting rates, fares and charges shall issue except after [notice and] hearing *as provided in this Act*, on the same and any interested party may appear and take part in any such proceedings either in person or by attorney.

Section 38. KRS 183.871 is amended to read:

Any person may petition the commission for a hearing regarding any regulations adopted or orders issued and upon receipt of such petition, *the matter shall be heard as provided in this Act.* [the commission shall convene and hear the matter. It shall thereafter vote on the matter, and issue its order based on the decision of the majority of the members present. Appeals from action or orders of the commission may thereafter be prosecuted under the procedure set out in KRS 183.620.]

Section 39. KRS 186.059 is amended to read:

(1) Operation of a commercial vehicle at a gross weight in excess of the declared gross weight at which such vehicle is registered under subsections (8), (9), or (10) of KRS 186.050, shall make any owner or operator, otherwise entitled to such reduced fee set out therein ineligible for same for the entire license year.

(2) The department, upon receipt of information substantiated by affidavit, that any owner or operator is operating a motor vehicle in excess of the gross weight at which it is registered under subsections (8), (9) or (10) of KRS 186.050, may issue notice to such owner or operator advising that he is ineligible for such reduced fee or, that the privilege is revoked for the current license year. Within thirty days of the date of the issuance of such notice any affected owner or operator may request a hearing [before the department] to be conducted in accordance with the provisions of *this Act.* [KRS Chapter 281 and the rules and regulations adopted thereunder.] Failure to request a hearing within thirty days of the date of the issuance of such notice shall make the ruling absolute and the owner or operator shall be liable for the payment of the fees applicable under KRS 186.050(3) for the entire license year.

(3) In the event a hearing is requested in accordance with the provisions of subsection (2) of this section, the owner or operator shall not be entitled to the reduced fee during the interim between the application for hearing and the [department's] determination, unless he shall file with the department a bond in the amount of $500 per vehicle to be applied to the payment of any taxes which the department, as a result of such hearing, may determine are due the Commonwealth.

(4) The question for determination at any hearing held at the request of an owner or operator receiving such notice from the department shall be whether or not such owner or operator has operated a commercial vehicle in excess of the declared gross weight at which it is registered under subsections (8), (9) or (10) of KRS 186.050. The burden of proof shall be upon the department to show such unlawful operation. [Any final determination of the department shall be subject to appeal to the Franklin Circuit Court and to the Court of Appeals in accordance with the provisions of KRS 281.780 and 281.785, and] Any bond posted with the department shall be held pending the judgment of the highest court to which the matter is appealed.

Section 40. KRS 187.600 is amended to read:

(1) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by

obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person.

(3) Upon not less than five days' notice and a hearing *as provided in this Act* [pursuant to such notice], the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Section 41. KRS 190.040 is amended to read:

(1) A license may be denied, suspended or revoked on the following grounds:

(a) Proof of financial or moral unfitness of applicant;

(b) Material misstatement in application for license;

(c) Filing a materially false or fraudulent tax return as certified by the Department of Revenue;

(d) Willful failure to comply with any provision of this section or any rule or regulation promulgated under this chapter;

(e) Willfully defrauding any retail buyer to the buyer's damage;

(f) Willful failure to perform any written agreement with any buyer;

(g) Failure or refusal to furnish and keep in force any bond required;

(h) Having made a fraudulent sale, transaction or repossession;

(i) False or misleading advertising;

(j) Fraudulent misrepresentation, circumvention or concealment through whatsoever subterfuge or device of any of the material particulars or the nature thereof required hereunder to be stated or furnished to the retail buyer;

(k) Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(l) Having violated any law relating to the sale, distribution or financing of motor vehicles;

(m) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent, or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has induced or coerced or attempted to induce or coerce any automobile dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities which shall not have been ordered by said dealer;

(n) Being a manufacturer of motor vehicles, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has attempted to induce or coerce, or has induced or coerced, any automobile dealer to enter into any agreement with such manufacturer, factory branch or representative thereof, or to do any other act unfair to said dealer, by threatening to cancel any franchise existing between such manufacturer, factory branch or representative thereof and said dealer; or

(o) Being a manufacturer, factory branch, distributor, field representative, officer, agent or any representative whatsoever of such motor vehicle manufacturer or factory branch, who has unfairly, without due regard to the equities of said dealer and without just provocation, canceled the franchise of any motor vehicle dealer. The nonrenewal of a franchise or selling agreement without just provocation or cause shall be deemed an evasion of this section and shall constitute an unfair cancellation;

(p) Being a distributor or wholesaler who makes, attempts to make or aids or abets the making of a sale of a motor vehicle to a person other than a licensed motor vehicle dealer. Nothing herein shall prevent any license holder from selling any motor vehicle to any of its employes.

(2) The licensor may without notice deny the application for a license within thirty days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Upon request [by] the applicant *may have a hearing as provided in this Act. No license shall be suspended or revoked except after a hearing thereon.* [whose license has been so denied, the licensor shall set the time and place of hearing a review of such denial, the same to be heard with reasonable promptness.]

[(3) No license shall be suspended or revoked except after a hearing thereon. The licensor shall give the licensee at least thirty days' notice of the time and place of hearing and of the charges against it.]

*(3)* [(4)] The department or board may inspect the pertinent books, letters, records and contracts of a license.

*(4)* [(5)] If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his salesmen while acting as his agent, if such licensee approved of or had knowledge of said acts or other similar acts and after such approval or knowledge retained the benefit, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts.

[(6) Any licensee or other person in interest being dissatisfied with a final order of the department approved by the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided by KRS 281.780 to 281.785.]

Section 42. KRS 190.053 is amended to read:

Whenever any licensee is found to be violating any of the provisions of this chapter, or any order or rule or regulation prescribed by the department pursuant thereto, or is found to be pemitting any of its salesmen to violate any of the provisions of this chapter, or any order, or rule or regulation prescribed by the department pursuant thereto, the department may, upon

complaint or upon its own motion, *order a hearing as provided in this Act.* [issue its order to such licensee notifying it to appear before the department at a fixed time and place at which time and place the department shall have a hearing.] If the department and the board are satisfied, after a hearing, that the licensee has violated or refused to observe any of the provisions of this chapter, or any order, or rule or regulation of the department, or has permitted any of its salesmen to violate any of the provisions of this chapter or any order, or rule or regulation prescribed by the department pursuant thereto, the department may suspend or revoke the license of such licensee. The renewal by the department of any license shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

Section 43. KRS 190.220 is amended to read:

(1) The commissioner may without notice deny the application for a license within thirty days after receipt thereof by written notice to the applicant, stating the grounds for such denial. *No license shall be suspended or revoked except after a hearing as provided in this Act.*

[(2) No license shall be suspended or revoked by the commissioner except after a hearing thereon. The commissioner shall give the licensee at least thirty days' notice of the time and place of hearing and of the charges against it.]

(2) [(3) Any person aggrieved by any ruling of the commissioner denying a license, or suspending or revoking a license, within fifteen days after any such ruling of the commissioner may appeal such ruling to the board herein provided for. Such appeal shall be in writing.] The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine and order that any applicant is not qualified to receive a license, no license shall be granted. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of subsection (1) of KRS 190.210, his license may be suspended or revoked.

[(4) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.]

Section 44. KRS 190.230 is amended to read:

(1) The department may inspect the pertinent books, letters, records and contracts of a licensee.

[(2) The commissioner shall have the power in hearings and trials arising under this section to determine the place, in the state of Kentucky, where they shall be held; to subpoena witnesses; to take depositions of witneses residing without the state in the manner provided for in civil actions in courts of record; to pay such witnesses the fees and mileage for their attendance as is provided for witnesses in civil actions in courts of record; and to administer oaths.]

Section 45. KRS 199.420 is amended to read:

(1) The commissioner shall have the power and authority to adopt, amend or rescind such rules and regulations as he deems necessary or suitable for the proper administration of the functions of the department, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies. [Such rules and regulations shall become effective in the manner and at the time prescribed by the commissioner.]

(2) In the administration of KRS 199.410 to 199.670 the commissioner shall cooperate to the fullest extent possible with any agency of this state or any other state of the United States.

(3) The commissioner is authorized, subject to the provisions of KRS Chapters 12, 18, 42, 45 and 64, to appoint, fix the compensation and prescribe the duties and powers of such officers and employes as may be necessary in the performance of his duties under KRS 199.410 to 199.670. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis, in accordance with merit standards established by law. The commissioner shall not employ or pay any person who is an officer or committee member of any political party organization. The commissioner may delegate to any such person so

appointed such power and authority as he deems reasonable and proper for the effective administration of KRS 199.410 to 199.670.

(4) The commissioner shall have the power and authority to elect coverage for the workers in the department, under the provisions of KRS Chapter 341, and may elect coverage for such workers under the Workmen's Compensation Law of this state. In the event such coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the Workmen's Compensation Law shall be deemed a proper cost of administration.

(5) The salaries and expenses of the commissioner and his staff shall be considered a proper cost of administration and charged to the funds allocated to the Department of Child Welfare.

Section 46. KRS 199.430 is amended to read:

[(1) In the discharge of the duties imposed by KRS 199.410 to 199.670 the commissioner or his duly authorized representative may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of the division. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.]

*(1)* [(2)] No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records in response to such subpoena on the grounds that the evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-incrimination, to give

evidence, except that such witness so testifying shall not be exempt from punishment for perjury.

(2) [(3)] All letters, reports, communications, and other matters, written or oral, to the *Department of Child Welfare* [division] or any of its agents, representatives, or employes, or to any board or official functioning under KRS 199.410 to 199.670, which have been written, sent, or made in connection with the requirements and administration of the *department* [division] shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no person testifying before the commissioner or his duly authorized representative shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection, except to public employes in the performance of their duties, but any interested party at a hearing before the commissioner or his duly authorized representative shall be supplied with information from such records to the extent necessary for the proper presentation of his case.

Section 47. KRS 199.670 is amended to read:

(1) The department may revoke a license under KRS 199.640 for any condition which would have caused a denial of the license in the first instance. The department may refuse to issue a license in any case where the applicant is not found to possess the qualifications prescribed by the commissioner.

(2) In any case where the department proposes to revoke or to refuse to issue a license, written notice shall be given to the licensee or applicant, stating the proposed action and grounds therefor, and notifying the licensee or applicant that such license will be revoked or refused unless the applicant or licensee makes application for a hearing before the commissioner within thirty days of such notice. If application for such hearing is made, *the hearing shall be conducted as provided in this Act.* [the commissioner shall set a time for the hearing, of which ten days' notice shall be given to the licensee or applicant, and at the hearing the licensee or applicant shall be entitled to be heard in person or by counsel, and to present witnesses. Following the hearing the commissioner shall render a decision in writing, setting forth his findings of fact and conclusions of law, and affirming, modify-

ing or setting aside the findings of the department, and shall send a copy thereof to the licensee or applicant by registered mail.

(3) The decision may be reviewed in the circuit court of the county in which the institution or agency is located, by action commenced within thirty days after receipt of the copy of the decision, and in such action the findings of fact made by the commissioner shall be conclusive if supported by any competent evidence.]

Section 48. KRS 206.160 is amended to read:

In cases where a pension has been granted, if the Commissioner of Finance finds that the pension was wrongfully granted, or that the pensioner has moved out of the state, or has in any other way become no longer entitled thereto, he may drop the pensioner's name from the pension roll after first giving him thirty days' notice by registered mail, thus giving the pensioner an opportunity to be heard or present any evidence he may desire to offer as to why his name shall not be dropped from the pension roll. *Any hearing held under this section shall be conducted as provided in this Act.*

Section 49. KRS 211.090 is amended to read:

(1) The board shall:

(a) Appoint county boards of health pursuant to KRS 212.020;

(b) [Hear and decide] *Order hearings as provided in this Act on* appeals from rulings, decisions and actions of the department or the commissioner, where the aggrieved party makes written request therefor to the board within thirty days after the ruling, decision or action complained of;

(c) Elect the commissioner in the manner prescribed in KRS 211.030;

(d) Adopt rules and regulations necessary to regulate and control all matters set forth in KRS 211.180 to the extent the regulation and control of same have not been delegated to some other agency of the Commonwealth and adopt such other rules and regulations as may be necessary to effectuate the purposes

of this chapter and any other law relating to public health, except as otherwise provided by law;

(e) Issue or deny hospital licenses pursuant to KRS 216.400 to 216.500;

(f) Approve or disapprove the establishment of proposed hospital service corporations and contracts for hospital service corporations and contracts for hospital services pursuant to KRS 303.020 to 303.040;

(g) Approve or disapprove of the establishment of proposed medical service plan corporations and contracts for medical services pursuant to KRS 303.160 to 303.200;

(h) Act in a general advisory capacity to the commissioner on all matters relating to the department;

(i) Enforce and administer the provisions of KRS 311.250, 311.260, 311.375, 311.376, 311.550 to 311.620.

(2) Except as otherwise provided in subsection (1) of this section, all powers and authority of the board under existing statutes, are tranferred to the department.

Section 50. KRS 211.220 is amended to read:

For the purposes of enforcing the public health laws of the Commonwealth, investigators, inspectors, officers, representatives and agents of the department may enter upon any premises when necessary for the purpose of making inspections and investigations, and may view evidence and interrogate persons, to the extent required in the performance of their duties and responsibilities. [The board or the commissioner may issue subpoenas, subpoenas duces tecum and all necessary process in proceedings brought before or initiated by the department or board, and such process shall extend to all parts of the Commonwealth. Service of process may be made by registered mail or in the manner prescribed by the Rules of Civil Procedure.] Nothing in this section shall be construed to authorize the department or board to regulate the practice of any healing art where the licensure regulation and control of same has been conferred by statute upon some other agency of the state.

Section 51. KRS 211.260 is amended to read:

Any person who is aggrieved by any ruling, decision or action of the commissioner on other than matters of internal administration *is entitled to a hearing as provided in this Act.* [may appeal to the board within thirty days after said ruling, decision or action, by filing with the board a written complaint setting out the ruling, decision or action complained of, the reasons that such person is aggrieved and the relief sought by such person.]

Section 52. KRS 216.440 is amended to read:

The licensing agency, after notice to the applicant or licensee and after a hearing as [herein] provided *in this Act,* is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under KRS 416.400 to 416.500. [Notices of hearing shall be issued in the name of the licensing agency by the secretary thereof and shall state the time and place of the hearing, which shall not be less than thirty days from service of the notice, and shall also contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or licensee of the substance of the facts claimed to constitute a violation of KRS 416.400 to 416.500. Service of such notices may be effected in the manner prescribed by law for the service of civil process, or may be effected by any member or employe of the licensing agency personally delivering same to the applicant or licensee, or by the licensing agency forwarding same to the applicant or licensee, by United States registered mail postage prepaid at the address of the applicant or licensee as reflected by the records of the licensing agency. The hearing may be conducted by the licensing agency in person or by a hearing officer or a hearing committee appointed by the licensing agency; all members of the licensing agency, and all persons appointed by the licensing agency as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenas for the attendance of witnesses and for the production of books, papers and documents and to cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, dis-

obediences of its process or contumacious or disrespectful conduct. The applicant or licensee proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the licensing agency so permits, by depositions.] All decisions revoking, suspending or denying licenses or applications shall be made by the licensing agency and shall be recorded in the minutes of the licensing agency. [, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the licensing agency in the event the hearing is conducted by a hearing officer or hearing committee. The secretary of the licensing agency shall notify, by registered United States mail postage prepaid, the applicant or licensee of the decision of the licensing agency, which decision shall become final and conclusive thirty days after notice thereof is given as above provided, unless the applicant or licensee, within said thirty-day period, appeals to the court therefrom pursuant to KRS 216.480. The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the licensing agency with the advice and approval of the hospital council.]

Section 53. KRS 217.380 is amended to read:

(1) The officials in charge of the enforcement of the pure food laws of this state, the State Board of Health, the local health officers, and the duly appointed agents of all such, shall enforce the provisions of KRS 217.280 to 217.390. For this purpose such officers shall have full power at all times to enter every building, room, enclosure or premises occupied or used or suspected of being occupied or used for the preparation or manufacture for sale, or the storage, sale, distribution or transportation, of such food, and to inspect the premises and all utensils, fixtures, furniture and machinery used therein.

(2) If upon inspection there is found any violation of any of the provisions of KRS 217.280 to 217.390, or if the preparation, manufacture, packing, storage, sale, distribution or transportation of such food is being conducted in a manner detri-

mental to the health of the employes or to the character or quality of the food, the officer or inspector making the inspection shall report the conditions and violations to the chief pure food official, or to the State Board of Health, or to the chief local health officer, as the case may be.

(3) The officer to whom the report is made shall thereupon issue a written order to the person responsible for the violation or condition to abate the condition or violation or to make the changes or improvements necessary to abate them, within a reasonable time as fixed in the order. Notice of the order may be served by delivering a copy to the person, or by sending a copy by registered mail, in which case the post office receipt shall be prima facie evidence that the notice was received. The person shall have the right to appear in person or by attorney before the officer issuing the notice or the person appointed by him for that purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show why the order or instructions should not be obeyed. The hearing shall be *conducted in accordance with the provisions of this Act.* [under rules and regulations prescribed by the State Board of Health. If after the hearing it appears that the provisions of KRS 217.280 to 217.390 have not been violated, the order shall be rescinded. If it appears that the provisions of KRS 217.280 to 217.390 are being violated, and that the person notified is responsible therefor, the previous order shall be confirmed or amended, as the facts warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with the final order. If the person is not present or represented when the final order is made, notice thereof shall be given as above provided.] If the person fails to comply with the first order within the time prescribed, when no hearing is demanded, or fails to comply with the final order within the time specified, the facts shall be certified to the Commonwealth's, county or city attorney in whose jurisdiction the violation occurred, and such attorney shall proceed against the person for the applicable fines and penalties, and for abatement of the nuisance. The proceedings prescribed in this section for abatement of the nuisance shall not relieve the

violator from prosecution in the first instance for every violation, nor from the penalties prescribed for such violation.

Section 54. KRS 217.390 is amended to read:

(1) When any duly authorized officer mentioned in KRS 217.380 finds any article of food that is adulterated, or any other article or substance that is detrimental to public health, the article shall be tagged or otherwise properly marked, giving notice that the product is suspected of being adulterated or detrimental to public health and has been quarantined, and warning all persons not to remove it until given permission by the officer or the courts.

(2) No person shall remove or otherwise dispose of such article in violation of this section.

(3) The officer shall then petition the judge of the police, county or circuit court in the district in which the article is found, for the condemnation and destruction of the article. [The owner or defender of the article shall be given the right to a hearing, first before the officer, if desired, and before the court. The notice of a hearing before the officer shall state the length of time within which the hearing may be had.]

(4) If the finding of the court is with the officer, the article shall be destroyed at the expense of the owner, or by the owner under the supervision of the officer. The costs shall be taxed against the owner or defender of the property, if he appears. If no one appears, the costs shall be collected against the owner or agent properly ascertained.

Section 55. KRS 217.570 is amended to read:

(1) Every economic poison which is distributed, sold or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within the state through any point outside this state shall be registered with the director. The director may register and permit the sale of any such economic poison which has been duly registered without protest under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, but products so registered shall be subject to the inspection fees provided for herein, and

to all other provisions of KRS 217.540 to 217.640. All registration of products shall expire on the thirty-first day of December following date of issuance, unless such registration shall be renewed annually, in which event expiration date shall be extended for each year of renewal registration, or until otherwise terminated; provided that:

(a) Products which have the same formula, and are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison may be registered as a single economic poison; additional names and labels shall be added by supplement statements during the current period of registration;

(b) Within the discretion of the director, or his authorized representative, a change in the labeling or formulas of an economic poison may be made within the current period of registration, without requiring a re-registration of the product, provided the name of the item is not changed;

(2) The registrant shall file with the director, a statement containing:

(a) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(b) The name of the economic poison;

(c) A complete copy of the labeling accompanying the economic poison and a statement of all claims made and to be made for it including directions for use; and

(d) If requested by the director, a full description of the tests made and results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered;

(3) The registrant, before selling or offering for sale any economic poison in this state, shall register each brand or grade of such economic poison with the director upon forms furnished by the director, and for the purposes of defraying expenses con-

nected with the enforcement of KRS 217.340 to 217.640, shall pay to the director an annual inspection fee of five dollars for each and every brand or grade to be offered for sale in this state provided, however, that any registrant may register annually any number of brands after the payment of annual fees aggregating fifty dollars. There shall be issued to the registrant by the director a license entitling the registrant to sell all duly registered brands in this state until the expiration of the license;

(4) The director, whenever he deems it necessary in the administration of KRS 217.540 to 217.640, may require the submission of the complete formula of any economic poison. If it appears to the director that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of KRS 217.540 to 217.640, he shall register the article;

(5) If it does not appear to the director that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of KRS 217.540 to 217.640, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with KRS 217.540 to 217.640, so as to afford the registrant an opportunity to make the necessary corrections;

(6) If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the commissioner shall register the article under protest, and such registration shall be accompanied by a warning in writing to the registrant of the apparent failure of the article to comply with the provisions of KRS 217.540 to 217.640;

(7) The director is authorized and empowered to refuse to register, or to cancel the registration of, any brand of economic poison as herein provided, upon satisfactory proof that the registrant has been guilty of fraudulent and deceptive practices in evasions or attempted evasions of the provisions of KRS 217.540 to 217.640 or any rules and regulations promulgated thereunder; provided, that no registration shall be revoked or refused until

the registrant shall have been given a hearing *as provided in this Act* [by the director];

(8) Notwithstanding any other provision of KRS 217.540 to 217.640, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

Section 56. KRS 217.580 is amended to read:

(1) The director is authorized, after opportunity for a hearing *as provided in this Act:*

(a) To declare as a pest any form of plant or invertebrate animal life or virus which is injurious to plants, animals, articles or substances;

(b) To determine whether economic poisons are highly toxic to man;

(c) To determine standards of coloring or discoloring for economic poisons and to subject economic poisons to the requirements for coloration or discoloration imposed by KRS 217.540 to 217.640;

(2) The director is further authorized:

(a) To effect the collection and examination of samples of economic poisons and devices to determine compliance with the requirements of KRS 217.540 to 217.640; and he shall have the authority at all reasonable hours to enter into any car, warehouse, store, building, boat, vessel or place supposed to contain economic poisons or devices, for the purpose of inspection or sampling, and to procure samples for analysis or examination from any lot, package or parcel of economic poison, or any device;

(b) To publish from time to time, in such forms as he may deem proper, reports of the results of the analyses based on official samples of economic poisons sold within the state;

(c) After [due public] hearing *as provided in this Act* to make, promulgate, alter, change, rescind such rules and regulations relating to the sale and distribution of economic poisons as he may find necessary to carry into effect the full intent and meaning of KRS 217.540 to 217.640;

(d) To cooperate with, and enter into agreements with, any other agency of this state, the United States Department of Agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of KRS 217.540 to 217.640 and securing uniformity of regulations.

Section 57. KRS 217.590 is amended to read:

(1) If it shall appear from examination or evidence that any of the provisions of KRS 217.540 to 217.640 or the rules and regulations issued thereunder have been violated, the director may cause notice of such violations to be given to the registrant, distributor, and processor, from whom any sample or evidence was taken. Any party so notified shall be given an opportunity to be heard *as provided in this Act.* [under such rules and regulations as may be prescribed by the director.] If it appears after such hearing that there has been a sufficient number of violations of KRS 217.540 to 217.640 or the rules and regulations issued thereunder, the director may certify the facts to the Commonwealth's attorney or the county attorney for the county in which the violation shall have occurred and furnished that officer with a copy of the results of any examination of such sample duly authenticated by the officer making the examination. It shall be the duty of every such attorney to whom the director shall report any violation of KRS 217.540 to 217.640 to cause proceedings to be prosecuted without delay for the fines and penalties in such cases. Any person convicted of violating any provision of KRS 217.540 to 217.640 or the rules and regulations issued thereunder shall be adjudged guilty of a misdemeanor and shall be subject to a penalty of not less than twenty-five dollars nor more than five hundred dollars;

(2) Nothing in this section shall be construed as requiring the director to report minor violations for the institution of proceedings under KRS 217.540 to 217.640 whenever the director believes that the public interest will be adequately served in the circumstance by a suitable written notice or warning.

Section 58. KRS 217.710 is amended to read:

Before any violation of KRS 217.650 to 217.710 is reported to the Commonwealth's, county or city attorney for institution

of a criminal proceeding, the person against whom such proceeding is contemplated may be given appropriate notice and an opportunity to *a hearing as provided in this Act* [present his views to the department, either orally or in writing, with regard to such contemplated proceeding]. Nothing in KRS 217.650 to 217.710 shall be construed as requiring the department to report for prosecution minor violations of KRS 217.650 to 217.710 whenever it believes that the public interest will be best served by a suitable notice of warning in writing.

Section 59. KRS 219.170 is amended to read:

(1) The department, after notice to the applicant or holder of a permit to operate and after a hearing as [herein] provided *in this Act*, is authorized to deny, suspend or revoke a permit to operate in any case where it finds that there has been a failure to comply with the requirements established under KRS 219.120 to 219.250.

[(2) Notice of hearing shall be issued in the name of the department. It shall state the time and place of the hearing which shall not be less than thirty days from service of the notice, and shall contain a concise statement of the reason for the hearing and sufficient information to reasonably apprise the applicant or holder of the permit of the substance of the facts claimed to constitute a violation of KRS 219.120 to 219.250.

(3) Service of notices may be made in the manner prescribed by law for the service of civil process, or may be made by any employe of the department personally delivering same to the applicant or holder of the permit, or by the department forwarding same to the applicant or holder of the permit by United States registered mail postage prepaid at the address of the applicant or holder as reflected by the records of the department.

(4) The hearing may be conducted by a hearing officer or a hearing committee appointed by the department. All persons appointed by the department as hearing officer or as members of a hearing committee are authorized to administer oaths, issue subpoenaes for attendance of witnesses and for the production of books, papers and documents, and to cite for contempt,

before the circuit or quarterly court in the county in which the hearing is held, disobedience of its process or insubordinate or disrespectful conduct.

(5) The applicant or holder of the permit proceeded against shall be known as "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) All decisions revoking, suspending or denying permits or applications shall be made by the department, which may review any and all orders and rulings made by a hearing officer or hearing committee, and which shall consider the entire transcript of the record of hearing that shall be prepared and furnished to the department in the event the hearing is conducted by a hearing officer or hearing committee.

(7) The department shall notify by registered United States mail postage prepaid the applicant or holder of permit of the decision of the department which decision shall become final and conclusive thirty days after notice thereof is given as above provided, unless the applicant or holder of permit within said thirty day period, appeals to the board therefrom pursuant to KRS 219.240.

(8) The procedure governing hearings authorized by this section shall be in accordance with the rules promulgated by the board.]

Section 60. KRS 221.030 is amended to read:

(1) The department, through its commissioner or his authorized agents, shall have the authority of supervising and enforcing the provisions of KRS 221.010 to 221.100.

(2) The commissioner may prescribe and enforce such rules and regulations and to make such definitions, [and prescribe such procedure with regard to hearings,] as he may deem necessary to carry into effect the full intent and meaning of KRS 221.010 to 221.100.

[(3) In any proceeding under KRS 221.010 to 221.100 the

commissioner may administer oaths and issue subpoenas, summon witnesses and take testimony of any person within the Commonwealth of Kentucky.]

Section 61. KRS 221.040 is amended to read:

(1) The commissioner may revoke or suspend a frozen food locker plant license if he finds on investigation that the licensee has violated any provisions of the law relating to frozen food locker plants or any law relating to the handling of human food, or has failed to comply with any regulation adopted pursuant to such laws; or that the premises or any equipment used in connection therewith is in an unsanitary condition.

(2) No license shall be revoked or suspended by the commissioner *until the aggrieved person is given an opportunity to be heard in accordance with this Act.* [without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten days from the date of such notice.

(3) Any order made by the commissioner suspending or revoking any license may be reviewed by the circuit court of the county in which the licensed premises are located, within ten days from the date of notice in writing of the commissioner's order revoking or suspending such license has been served upon him.]

Section 62. KRS 224.070 is amended to read:

If, during the interim between meetings, the executive director finds that an emergency exists and requires immediate action to protect the public health or welfare, the commission or director may without notice or hearing, and after written notification to the Governor, issue an order reciting the existence of such an emergency and require that such action be taken as the commission or director deems necessary to meet the emergency. Notwithstanding the provisions of KRS 220.640 such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately but upon application to the commission shall be afforded a hearing *as provided in this Act* as soon as possible. On the basis of

such hearing the commission shall continue such order in effect, revoke it, or modify it.

Section 63. KRS 224.080 is amended to read:

(1) *In addition to complying with the provisions of this Act, the commission shall conduct public hearing* [Public hearings shall be conducted by the commission] prior to the adoption of any rules or regulations of general applicability which pertain to the prevention, abatement or control of water pollution, including the establishment of standards of water quality.

*(2)* Before the issuance by the commission of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of the provisions of KRS 220.580 to 220.650 or rules, regulations, permits, or orders of the commission or before the denial, revocation or modification of any permit the commission shall provide the person affected with the opportunity to *be heard in accordance with this Act.* [appear before the commission or its duly authorized representative to show cause why the contemplated action of the commission should not be taken. The commission shall fix by regulation the procedure for notification and appearance. Where the initial hearing was before a representative of the commission, any interested party shall be entitled to appear before the full commission to present argument covering the recommendations of the hearing officer.

(2) The commission shall grant a hearing to any person not previously heard in connection with the issuance of any order or the making of any determination who may consider himself aggrieved by such order or determination and who shall file with the commission a verified petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney, may present witnesses and may submit evidence, and shall be given full opportunity to be heard upon the grounds and reasons for his complaint. Provided, however, that such person's right to request said hearing shall be limited to a period of thirty days after he has had actual notice of the

commission's order or determination, or could reasonably have had such notice.

(3) The hearings provided for in this section may be conducted by the commission at a regular or special meeting thereof, or may be conducted by hearing officers appointed by the director of the commission from a list of persons approved by the commission. Such hearings shall be conducted in the name of the commission at any time and place specified by the commission. Said hearing officers shall be paid on a per diem basis in accordance with rules and regulations of the commissions.

(4) At any such hearing any member of the commission may administer oaths, examine witnesses and issue in the name of the commission notices of hearings and subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.

(5) In the event of a refusal of any person to obey a notice of hearing or a subpoena issued under this section, the circuit court of the county in which the hearing is being held shall, upon application of the commission, or of any member thereof, issue an order requiring such person to appear and testify or produce such evidence as the case may require, and failure to obey such order of the court may be punished by said court as a contempt thereof.

(6) All orders of determinations of the commission shall be subject to review by a court of competent jurisdiction.]

Section 64. KRS 224.390 is amended to read:

(1) Whenever the commission has reason to believe that a violation of any provision of KRS 224.310 to 224.460 and 224.991 or rule or regulation pursuant thereto has occurred it may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of KRS 224.310 to 224.460 and 224.991 or rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may order that necessary corrective action be taken within a reasonable time. Any such order shall become final unless, [no later than thirty days after the date such order is served,] the person named

therein requests [in writing] a hearing *in accordance with this Act.* [before the commission.] In lieu of such order, the commission may *order a hearing as provided in this Act* [require that the alleged violator or violators appear before the commission for a hearing at a time and place specified in the notice and answer the charges complained of], or the commission may initiate appropriate legal action pursuant to KRS 224.991.

(2) After such hearing, the commission shall affirm, modify, or rescind its order or issue an appropriate order or orders for the prevention, abatement, or control of the air pollution involved. Such orders shall prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating, or controlling the air pollution.

(3) Nothing in KRS 224.310 to 224.460 and 224.991 shall prevent the commission from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

Section 65. KRS 224.430 is amended to read:

In addition to any other powers vested in it by law the commission shall have power to:

(1) Issue, amend, and repeal rules and regulations consistent with KRS 224.310 to 224.460 and 224.991.

(2) *Order* [Hold] hearings, relating to any aspect of or matter in the administration of KRS 224.310 to 224.460 and 224.991. [and in connection therewith, compel the attendance of witnesses and the production of evidence.]

(3) Issue such orders as may be necessary to effectuate the purposes of KRS 224.310 to 224.460 and 224.991 and enforce the same by all appropriate administrative and judicial proceedings.

(4) Require the maintenance and availability of records relating to operations which may cause or contribute to air pollution.

(5) Secure necessary scientific, technical, administrative,

and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in this state.

(7) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(8) Advise, consult, and cooperate with other agencies of the state, subdivisions, industries, other states, interstate, interlocal agencies, and with interested persons or groups.

(9) Accept, receive, and administer grants or other funds or gifts from public and private agencies including the Federal Government for the purpose of carrying out any of the functions of KRS 224.310 to 224.460 and 224.991. Such funds received by the commission pursuant to this section shall be deposited in the state treasury to the account of the commission.

(10) To establish, modify, or amend after public hearings, ambient air standards, and emission standards of various air pollutants from any source whatsoever for the purpose of KRS 224.310 to 224.460 and 224.991.

(a) Except as otherwise provided in or pursuant to KRS 224.310 to 224.460 and 224.991, such levels, concentrations, or quantities shall be controlling throughout the state and no emission in excess of the emission standards shall be lawful.

(b) In any area where the concentration of air pollution sources or of population, or of where the nature of the economy or of land and its uses so require, the commission may fix more stringent requirements governing the emission of air pollutants than those in effect pursuant to paragraph (a) of this section.

(11) To adopt [after hearing] such general rules and regulations pertaining to the prevention, abatement and control of existing or threatened pollution as the commission may deem necessary to the accomplishment of the purposes of KRS 224.310 to 224.460 and 224.991.

(12) To adopt [without hearing,] rules and regulations

with respect to the procedural aspects of hearings, the filing of reports and orders, the issuance of permits and all other matters not specifically requiring public hearing.

Section 66. KRS 227.310 is amended to read:

*In addition to complying with the provisions of this Act* the commissioner shall conduct a hearing prior to the issuance of rules and regulations promulgated pursuant to KRS 227.300. At such hearing interested parties shall be given an opportunity to be heard in person or by counsel. At least ten days in advance of the hearing the commissioner shall cause a notice of such hearing to be published in two or more daily newspapers of general circulation published and circulated in this state. No defect or inaccuracy in the notice or in its publication shall invalidate any such rules or regulations.

Section 67. KRS 227.330 is amended to read:

(1) Whenever the commissioner finds that any property is not safe as to fire loss, under the terms and conditions of KRS 227.200 to 227.400 and under the regulations promulgated, or that the practices or methods of operation or processes employed or used in connection therewith do not afford adequate protection from loss, under KRS 227.200 to 227.400 or under such regulations, he shall order that additions, improvements or changes be made and such equipment be provided as will reasonably render the property safe.

(2) Before any such order is made a hearing shall be held in accordance with the provisions of *this Act.* [KRS 304.044, 304.046 and 304.048.

(3) Appeals from any order or action of the commissioner under this section may be taken in the manner prescribed in KRS 304.050 and 304.052.]

Section 68. KRS 227.340 is amended to read:

Whenever the commissioner or other officer has reason to believe that a fire hazard should be corrected and he is unable to determine after a diligent search the owner of any property

to be affected, he shall post notice of a hearing concerning such hazard in a conspicuous place on or near such property and shall publish such notice pursuant to KRS Chapter 424 in the county in which the property is located. The hearing shall be held in accordance with *the provisions of this Act.* [KRS 227.330 at the time and place specified in the notice as if such notice had been served on the owner.]

Section 69. KRS 229.220 is amended to read:

(1) The chairman shall be the chief executive officer of the commission and is authorized to take any action or exercise any power given by this chapter to the commission, except the adoption of rules and regulations, and except as otherwise restricted by this section provided, however, any person aggrieved by any act or decision of the chairman *is entitled to a hearing as provided in this Act.* [may appeal to the full commission by filing written notice with the secretary of the commission within ten days of the act or decision being appealed and the grounds for appeal, and the address of the appellant. Unless waived by the commission the notice must be accompanied by a list of the names and addresses of any persons the appellant wishes to have subpoenaed by the commission for the hearing and a list of any documents he desires to have produced.

(2) Upon receipt of the notice of appeal a hearing shall be set for a date not less than ten nor more than thirty days from the filing of the notice, and written notice of the time and place of the hearing shall be mailed to the appellant not less than five days in advance of such hearing. Upon the mutual agreement of the commission and appellant an earlier or later date may be fixed, in which event no notice to appellant shall be required. All hearings shall be held at the office of the commission unless in the judgment of the commission it will be more expeditious to hold the hearing elsewhere within the Commonwealth.

(3) The full commission may approve, set aside or modify the action or decision of the chairman. At least three commissioners shall be required to conduct a hearing and the

concurrence of a majority of those present at the hearing shall be necessary to render a decision. The chairman may participate at the hearing, including, if he so elects, participation in the deliberations of the commission and the determination of its decision. The commission shall furnish appellant with a statement of its findings of fact and the reasons for the decision reached. The findings of fact made by the commission shall, unless clearly arbitrary or capricious, be conclusive but any party aggrieved shall have the right of appeal as hereinbelow provided.

(4) Any party aggrieved by the decision of the commission may appeal to the Franklin Circuit Court provided notice of appeal is filed with the commission within ten days from the date of the decision and provided that, at the time of filing such notice the appellant shall deposit with the commission a sum sufficient to pay for the cost of taking and transcribing the proceedings before the commission, to be retained by the commission unless its decision is ultimately reversed, and provided that during such ten day period the appellant shall post a bond with the clerk of the Franklin Circuit Court to secure the costs of the action in such sum as may be approved by the clerk, with good and solvent surety. Thereafter, the commission shall forthwith transmit the original record of all of the proceedings before the commission. Upon receipt of such record the clerk shall docket the appeal. No formal pleadings shall be required in such appeals but the case shall be set down by the court for as early a date as possible for such a hearing, and after such hearing the court shall enter a judgment sustaining or setting aside the decision of the commission. Either party may appeal to the Court of Appeals from the judgment of the circuit court in accordance with the Rules of Civil Procedure.]

Section 70. KRS 236.150 is amended to read:

(1) Any person aggrieved by an order or act of a boiler inspector, under this chapter, *is entitled to a hearing as provided in this Act.* [may, within fifteen days of notice thereof, appeal from such order or act to the commissioner who shall, within thirty days thereafter, hold a hearing, after having given at least ten days written notice to all interested parties. The commis-

sioner shall, within thirty days after such hearing, issue an appropriate order either approving or disapproving said order or act. A copy of such order by the board shall be given to all interested parties.

(2) Within thirty days after any order or act of the board, any person aggrieved thereby may file a petition in the Franklin Circuit Court for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree.]

Section 71. KRS 241.060 is amended to read:

The board shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the procedure relative to applications for and revocations of licenses and relative to all other matters over which the board has jurisdiction, and for the supervision and control of manufacture, sale, transportation, storage, advertising and trafficking of alcoholic beverages. Regulations need not be uniform in their application, but may vary in accordance with reasonable classifications;

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this state or any political subdivision, and restrict the locations of licensed premises. To this end the board may make reasonable division and subdivision of the state or any political subdivision into districts. Regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions of subdivisions;

[(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath and require the production of any books or papers relative to the inquiry, regardless of whether the witnesses are licensees. The power provided in this subsection may be delegated by the board to any member or employe of the department. Provisions of the Rules of Civil Procedure shall apply to subpoenas issued pursuant to this subsection, but such subpoenas shall be effective throughout the state and shall be enforcible by petition to a court of competent jurisdiction. The department may pay wit-

nesses the per diem and mileage provided in KRS 421.010;]

*(3) To order hearings and appeals and render decisions thereon in accordance with the provisions of this Act.*

[(4) To conduct hearings and appeals under KRS 241.150, 241.200, 243.470 and 243.520 and render decisions upon the subjects of the hearings and appeals;]

*(4)* [(5)] To suspend, revoke or cancel for cause, after a hearing, any license issued under KRS 243.020 to 243.670;

*(5)* [(6)] If violation of KRS Chapter 241, KRS 243.020 to 243.670 or KRS Chapter 244 has taken place on the premises within the knowledge of the owner, or was committed or permitted in or upon premises owned by a license, the board shall prohibit the issuance of a license for the premises until the expiration of two years from the time the offense was committed;

*(6)* [(7)] To suspend a license for any cause for which the board is authorized to exercise its discretion as to revoking a license;

*(7)* [(8)] To make rules and regulations and to provide forms that may be necessary to regulate the alcoholic beverage industry and to make KRS 244.380 to 244.470 effective. Before any such rule or regulation is adopted, the board, after notice, shall hold a public hearing at its offices in Frankfort, Kentucky, not less than five days before said rule or regulation is to be adopted. Notice of such hearing and of the proposed rule or regulation, shall be given in the following manner:

(a) By publication pursuant to KRS Chapter 424; and

(b) By registered letter to the principal office of any organized group or groups of licensees, or class thereof, where such organization has made a request, in writing, to be so notified.

In the event of an emergency the provisions of KRS 13.085 shall become applicable. When any rule or regulation is adopted, the same shall be filed and become effective in the manner and time prescribed in KRS Chapter 13.

Section 72. KRS 241.150 is amended to read:

Appeals from the orders of a county administrator may be taken to the board by filing with the board within ten days a certified copy of the orders of the county administrator. [Matters at issue shall be heard by the board as upon an original proceeding.] Appeals from orders of the county administrator shall be governed by *the provisions of this Act.* [KRS 243.550 to 243.590.]

Section 73. KRS 241.200 is amended to read:

Appeals from the orders of each city administrator may be taken to the board, by filing with the board within ten days a certified copy of the orders of the city administrator. [Matters at issue shall be heard by the board as upon an original proceeding.] Appeals from orders of the city administrator shall be governed by *the provisions of this Act.* [KRS 243.550 to 243.590.(

Section 74. KRS 243.410 is amended to read:

(1) If the surety on bonds required by KRS 243.400 becomes unsatisfactory in the opinion of the board, the board may require the distiller, rectifier, vintner or wholesaler to file a new bond with satisfactory surety in the same amount. Upon failure to file a new bond with satisfactory surety, the board shall forthwith suspend the license of the distiller, rectifier, vintner or wholesaler.

(2) If upon a hearing *as provided in this Act,* [of which the licensee shall be given five days' notice in writing,] the board decides that the amount of the existing bond is insufficient, the licensee shall forthwith, upon written demand of the board, file an additional bond in the same amount, manner and form, and with a surety approved by the board. If the licensee fails to comply with the demand of the board, his license shall immediately be revoked by the board.

(3) A surety on any bond required by KRS 243.400 or 243.410 shall be discharged from any and all liability to the state accruing on the bond after the expiration of sixty days from the date upon which he files with the board a written request to be discharged. Such a request shall not operate to discharge

the surety from any liability already accrued or that accrues before the expiration of the sixty day period.

Section 75. KRS 243.470 is amended to read:

If a state administrator determines to reject an application he shall notify the applicant of his determination by mailing a registered letter to him, directed to the address given in his application or in the last statement filed supplementary thereto. If within ten days after the date of the mailing of that notice from the administrator the applicant indicates in writing his desire to be present and heard, he shall have the opportunity to be heard *as provided in this Act.* [by the board or persons designated by the board. The application shall not finally be passed upon by the administrator until the board has conducted a hearing.]

Section 76. KRS 243.480 is amended to read:

(1) Upon proceedings for the revocation of any license under KRS 243.520, the Alcoholic Beverage Control Board, or the local alcoholic beverage administrator, may in its or his discretion, as the case may be, order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500; provided, however, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars per day; wholesale liquor licensees, four hundred dollars per day; wholesale beer licensees, one hundred dollars per day; retail drink liquor licensees, twenty-five dollars per day; retail package liquor licensees, twenty-five dollars per day; retail beer licensees, ten dollars per day; all remaining licensees, ten dollars per day.

(2) Payments in lieu of suspension collected by the Alcoholic Beverage Control Board shall be deposited in the State Treasury and credited to the General Expenditure Fund. Payments in lieu of suspension collected by local alcoholic beverage

administrators shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.

(3) Appeals from orders of suspension and the procedure thereon shall be *in accordance with this Act.* [the same as are provided for orders of revocation in KRS 243.550 to 243.590.]

Section 77. KRS 243.520 is amended to read:

A state administrator or a person designated by him may, on his own initiative or on the complaint of any person, institute proceedings to revoke any license under KRS 243.020 to 243.670. Revocation shall be had only upon five days' notice to the licensee, and an opportunity shall be given him to be heard. All such hearings shall be *as provided in this Act.* [before the board.]

Section 78. KRS 243.550 is amended to read:

Hearings upon appeals from orders of a county administrator or a city administrator, a determination of a state administrator, or upon proceedings for revocation or suspension shall be held *in accordance with this Act.* [by the board. The board may, at its discretion, hold the hearing in Frankfort, or in the county where the licensed premises, or the premises to be licensed, are located. The board shall control the introduction of evidence and shall hear all arguments of the parties or their counsel as it or he deems necessary or approprite. The procedure on such hearings shall be summary and in accordance with the regulations of the board. A record of the orders appealed from or the charges filed, of the evidence heard and of all steps taken, shall be kept by the board. Decisions shall be made and orders entered only upon the vote of a majority of the board.]

Section 79. KRS 243.570 is amended to read:

(1) The case shall be set down by the court for as early a day as possible for a hearing, and shall in all respects be expedited in the same manner as a declaratory judgment suit.

[(2) No new or additional evidence shall be introduced in the Franklin Circuit Court except as to the fraud or miscon-

duct of some party engaged in the administration of this chapter and affecting the order appealed from, but the court shall otherwise hear the case upon the record as attested by the board, and shall in all respects dispose of the appeal in a summary manner. Its review shall be limited to determining whether or not:

(a) The board acted without or in excess of its powers;

(b) The order appealed from was procured by fraud;

(c) If questions of fact are in issue, whether or not any substantial evidence supports the order appealed from.

(3) After such a hearing the court shall enter a judgment sustaining or setting aside the order of the board appealed from.]

*(2)* [(4)] If the appeal is from an order of the board refusing, revoking or suspending a license, the costs shall be taxed against the applicant or licensee in any event. If the appeal is from an order issuing or refusing to revoke or suspend a license, the costs shall be taxed against the citizen who, feeling himself aggrieved, has contested the order, if the order of the board issuing or refusing to revoke or suspend the license is sustained. If the order is set aside with direction to the board to refuse, revoke or suspend the license, the costs shall be taxed against the licensee.

Section 80. KRS 249.280 is amended to read:

*In addition to complying with the provisions of this Act,* before any rules or regulations are adopted or amended the commissioner shall set a time and place for a public hearing before him or his representative, and shall cause at least fifteen days notice of the hearing to be given and shall cause to be set out in the notice the matters to be considered.

Section 81. KRS 249.317 is amended to read:

The board shall after denying an application for a license, if petitioned by the applicant within ten days of notification, *refer the matter for a hearing as provided in this Act. The decision of the board shall be stayed until final adjudication,* [or

before suspending or revoking any license, set the matter down for a hearing and shall at least fifteen days prior to the date set for the hearing notify the applicant or licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. Such written notice may be served by delivery of it personally to the applicant or licensee or by mailing it by registered mail to his last known address. The hearing shall be at the time and place prescribed by the board.]

Section 82. KRS 250.160 is amended to read:

(1) If the director or his agent finds upon examination analysis or test, that any person has violated any of the provisions of KRS 250.020 to 250.170, he or his agent may institute proceedings to have that person convicted, or the director or his agent at his discretion may report the results of the examination to the Attorney-General, together with the sworn and acknowledged statement of the analyst and such other evidence of the violation as he deems necessary. The Attorney-General, acting personally or through the attorney representing the Commonwealth in the county, district or city in which the violation occurred, shall institute proceedings at once against the person charged with violation.

(2) Prosecution shall be instituted only [in the following manner:] when the director or his agent finds that any of the provisions of KRS 250.020 to 250.170 have been violated *and an opportunity for a hearing has been given* [, he shall give notice] to the person in whose hands the seed was found. *If a hearing is requested, it shall be conducted in accordance with the provisions of Sections 9 through 13 of this Act.* [designating a time and place for a hearing. This hearing shall be private and the person involved may introduce evidence either in person, by agent or by attorney.] If, after the hearing, or without the hearing, in case the person fails to *request a hearing* [appear], the director or his agent decides that the evidence warrants prosecution, he shall proceed as provided in this section.

(3) In any prosecution arising from KRS 250.020 to 250.170 a certified analysis or test by the experiment station shall

be considered as competent evidence, but upon motion of the accused, the analyst whose signature is attached to the certificate of analysis shall be required to appear as a witness and be subject to cross-examination, or as a witness for the accused.

Section 83. KRS 250.710 is amended to read:

The commissioner shall notify any applicant or owner by registered mail of any decision to refuse to grant a *registration* [license] or to revoke a license within ten days after such decision, and the applicant or owner *is entitled to a hearing in accordance with the provisions of this Act.* [shall have thirty days after such notification within which to petition the commissioner for a rehearing. The commissioner shall within ten days after the said rehearing notify the applicant or owner of his decision, and if the decision be unfavorable, said applicant or owner shall have thirty days within which to appeal such decision to the Franklin Circuit Court.] If the owner takes *an* [such] appeal within the time herein provided, the revocation by the commissioner shall not become final until finally adjudicated, however the commissioner may require the posting of a reasonable and appropriate bond pending final adjudication.

Section 84. KRS 251.310 is amended to read:

(1) If any person feels aggrieved by any action of the local board or of the sealer or any other official, he may appeal and submit his complaint in writing to the state board. The state board shall, as soon as possible, set the matter down for hearing *in accordance with Section 9 through 13 of this Act* [before it], at a place desirable from the standpoint of the character of the controversy, the locality of the grain and the residence of the parties involved. Likewise, the local board may present to the state board any proper complaint against any warehouseman and the procedure shall be as nearly as practicable the same as in the case of charges filed by owners.

(2) The decision of the state board on appeal shall be final.

Section 85. KRS 252.200 is amended to read:

For the purposes of KRS 252.180 to 252.250 the commissioner may establish and maintain quarantines prohibiting the shipment into or within the state, or any subdivision thereof of any bees, queen bees, used hives or any part thereof, used appliances or any material capable of transmitting any bee diseases, for such periods and under such conditions as he may deem necessary to control, eradicate or prevent the introduction, spread, or dissemination of any and all bee diseases, giving such notice thereof as may be prescribed by the commissioner, and during the existence of such order no person shall remove or ship from such area any such material whatever except by special permission or order of the commissioner; provided, however, that before the commissioner shall promulgate the order of quarantine as provided in this section, the commissioner shall, after due notice to interested persons *as provided in this Act,* give a public hearing under such rules and regulations as the commissioner shall prescribe, at which hearing any interested person may appear and be heard, either in person or by attorney.

Section 86. KRS 252.210 is amended to read:

(1) Any person is interested or affected by any order of the commissioner or state apiarist may appeal therefrom to the commissioner within five days of the service of such order upon him setting forth in writing specifically and in full detail the order on which a hearing is desired, and every reason why such order is deemed unreasonable.

(2) On receipt of such appeal the commissioner shall with reasonable promptness order a hearing thereon *in accordance with the provisions of this Act.* [and consider and determine the matters in question. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the commissioner may direct.] Such appeal shall suspend the operation of the order appealed from except as to the orders of the commissioner promulgating a quarantine as provided in KRS 252.200. All hearings [of the commissioner] shall be open to the public and *the commissioner's* [his] decisions shall be final. [The appellant may be represented by an attorney.]

Section 87. KRS 257.440 is amended to read:

Any permit may be suspended or cancelled by the Livestock Sanitary Division, after opportunity for a hearing *in accordance with the provisions of this Act*, for any violation of KRS 257.370 to 257.460 or the regulations promulgated thereunder. [Any person who is refused a permit or whose permit is revoked may appeal such refusal or revocation to the circuit court of Franklin County.]

Section 88. KRS 260.560 is amended to read:

*(1)* The department shall administer all provisions and exercise all administrative powers in the Egg Marketing Law. The department may adopt reasonable rules and regulations necessary to carry out the provisions of the Egg Marketing Law.

*(2) Hearings necessary for the proper administration of the Egg Marketing Law shall be conducted in accordance with the provisions of this Act.* [The department may conduct hearings, make examinations, administer oaths, and subpoena witnesses to the extent necessary for proper administration of the Egg Marketing Law.]

Section 89. KRS 260.715 is amended to read:

(1) The commission is authorized and empowered:

(a) To call together milk dealers or handlers and producer-handlers for the purpose of inquiry into marketing practices prevailing from time to time in this state, and if need be, to conduct investigations and/or hearings in connection with such practices for the purpose of making findings relative to any marketing practice found to exist within this state involving the sale or distribution of milk, cottage cheese, or frozen dairy products covered by KRS 260.675 to 260.760, and thereafter to promulgate reasonable rules or regulations for the elimination of any such practice found to be contrary to the provisions of KRS 260.675 to 260.760; and

(b) To establish as a public record the minimum prices applicable to the milk deliveries of producers to a processor or a distributor. Such prices shall be used solely for the purpose

of computing the cost of a processor or a distributor pursuant to KRS 260.680 (12) (b). These minimum prices shall, in the discretion of the commission, be established for a processor or a distributor located or distributing milk or milk products in marketing areas as defined by counties or other appropriate geographical subdivision.

(2) Upon receipt of a written complaint filed with the commission by any milk dealer or handler, producer-handler or recognized association thereof, the commision may initiate proceedings *as provided in this Act,* for the purpose of hearing and investigating evidence of the failure or refusal of any person to comply with the provisions of KRS 260.675 to 260.760 or the rules, regulations and orders of the commission issued thereunder. [after first giving five days' notice to the alleged violator as to the date and time fixed for the hearing and the nature of the charge or charges. Each witness required to attend the hearing shall be entitled to receive mileage customarily paid to the witnesses in the courts of the Commonwealth. The commission shall not be bound by technical rules of evidence, except as may be required by the applicable administrative procedure laws of the Commonwealth.

(3) The commission shall have the power during the course of an investigation or hearing to issue subpoenas requiring the attendance and testimony of, or the production of books and records by, any person believed to have information of importance to the hearing or investigation, or possessing any books or records of importance to the hearing or investigation.

(4) Any person who refuses to obey a subpoena issued by the commission, or refuses to be sworn or affirmed, or testify, or who is guilty of any contempt after summons to appear, may be punished as for contempt of court. For this purpose, an application may be made by the commission to the court of the circuit within whose territorial jurisdiction the hearing or investigation is being conducted.]

*(3)* [(5)] Every rule, regulation or order of the commission shall be posted for public inspection in the main office of the commission and copies of such a rule, regulation or order shall be made available and mailed to all licensees and producer

groups and organizations affected thereby. Such rule, regulation or order of the commission, when duly posted or when properly served, shall have the force and effect of law.

Section 90. KRS 260.740 is amended to read:

Before refusing to grant or to reissue, or before suspending or revoking a license, the commission shall give such licensee an opportunity to be heard *as provided in this Act.* [and shall give notice to such licensee by registered mail at least five days prior to the hearing containing a statement of the matters complained of. After such hearing and after reaching a decision, the commission shall notify the licensee by registered mail within ten days.]

Section 91. KRS 260.830 is amended to read:

The director may revoke or suspend any license issued under authority of KRS 260.775 to 260.845; provided, however, that such revocation or suspension shall occur only when the licensee has failed to comply with the provisions of KRS 260.775 to 260.845 or the rules and regulations issued thereunder, and provided that such revocation or suspension shall occur only upon written recommendation to the director by the examining board and after the licensee has had an opportunity *to be heard in accordance with the provisions of this Act.* [, upon due notice, at a hearing before the board, to show cause why his license should not be revoked or suspended.]

Section 92. KRS 276.100 is amended to read:

(1) Each member of the Railroad Commission may administer oaths.

[(2) In conducting any hearing under the provisions of KRS 276.310, the commission may take the deposition of witnesses before an examiner or notary public, whose fees shall be paid out of the appropriation to the commission, on the warrant of the Department of Finance, when certified to the Department of Finance by the chairman of the commission.

(3) If the commission deems it necessary, it may require

any express company or carrier of property by water, in a hearing being conducted under KRS 276.310, to produce all books, correspondence and papers relating to the matter under investigation, or that may furnish evidence material to the matter under investigation, or that show or may tend to show a violation of KRS 276.280.]

*(2)* [(4)] In making any inquiry into the affairs of a carrier by rail, express company or carried of property by water, under the provisions of subsection (1) of KRS 276.030, the commission may issue subpoenas for the attendance of witnesses and may examine any person under oath concerning the management of the affairs of such carrier. In making any such inquiry with respect to an express company or carrier of property by water, the commission may also demand the production of all books, correspondence and papers that may show or tend to show any violation of KRS 276.020, 276.090, 276.130(1), 276.150, 276.160, 276.180, 276.210, 276.260, 276.280, 276.290, 276.300, 276.310 or 276.490, or of that part of KRS 276.230 that applies to express companies, or that may afford any information to the commission in its investigation.

*(3)* [(5)] The commission shall have authority to make a full and complete investigation of any alleged violation of the provisions of KRS 276.210, and may summon before it any officer, agent or employe of any carrier by rail or carrier of property by water, and require him to testify under oath concerning all matters inquired into by the commission with respect to the violation of the provisions of KRS 276.210.

Section 93. KRS 276.170 is amended to read:

(1) Whenever there is filed with the Railroad Commission any schedule stating a new individual or joint rate, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, the commission may, upon its own initiative and upon reasonable notice, and, if it so orders, without answer or other formal pleading by the interested carriers, enter upon a hearing *as provided in this Act* concerning the propriety of the rate, classification, regulation or practice. The commission may also enter upon such a hearing on com-

plaint. Upon filing with the schedule and delivering to the carriers affected thereby a statement in writing of its reasons, the commission may suspend the operation of the schedule and defer the use of the rate, classification, regulation or practice pending the hearing and decision thereon, but not for more than 210 days beyond the time when the rate, classification, regulation or practice would otherwise go into effect. After full hearing, whether completed before or after the rate, classification, regulation or practice goes into effect, the commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. At any hearing involving a rate increased or sought to be increased, the burden of proof to show that the increased rate or proposed increased rate is just and reasonable shall be upon the carrier. The commission shall give the hearing and decision of the question precedence over all other questions pending before it, and shall decide the question as speedily as possible.

(2) Whenever any carrier by rail, in competition with a carrier by water, reduces its rates on any species of freight to or from competitive points, it may not increase such rates unless, after a hearing [by the commission] it is found that the proposed increase rests upon changed conditions other than the elimination of water competition.

Section 94. KRS 276.180 is amended to read:

Whenever a duty or obligation is imposed by law upon any express company or carrier of property by water with respect to its rates, classifications, regulations or practices, the Railroad Commission, upon its own initiative and after notice and hearing as provided in *this Act* [KRS 276.340], may issue an order fixing just and reasonable regulations or practices to be thereafter followed, and may prescribe the rate to be charged or service to be performed thereafter to relieve any undue or unreasonable discrimination, prejudice or advantage found to exist in violation of law. The rates, classifications, regulations or practices so ordered shall be substituted for the ones then in force. The commission shall have the same powers when a complaint is filed alleging a violation of any law relating to express companies or carriers of property by water.

Section 95. KRS 276.200 is amended to read:

(1) The Railroad Commission may make and put into effect joint rates as to express companies and carriers of property by water.

(2) The Railroad Commission shall have the same power to regulate the intrastate joint rates of two or more carriers by rail, and of two or more carriers by rail or by water when the transportation covered by the rates is partly by rail and partly by water, that it has to regulate the rates of a single carrier by rail. *Upon complaint, and after compliance with Section 3 of this Act, the commission may* [The commission may, after due notice to the carriers, hear complaints and] by order establish a through route and prescribe a just and reasonable maximum joint rate to be charged for the transportation of persons or property over such route, if no just and reasonable through route or joint rate exists, and may prescribe an equitable division of the joint rate if the carriers fail to establish such a division.

(3) Every carrier by rail and carried by water shall file with the Railroad Commission copies of all contracts, agreements or arrangements with other carriers, to which it is a party, in relation to any traffic affected by the provisions of this chapter.

(4) The Railroad Commission shall have the same power to regulate and prescribe two or more individual or joint rates, regulations or practices of any carrier by rail or carrier by water, and any schedule, tariff, regulation, practice or contract relating thereto, that it has to regulate and prescribe any single rate, regulation or practice, including the power to classify property for shipment and the power to make any schedule or tariff thereof.

Section 96. KRS 276.310 is amended to read:

(1) When complaint is made to the Railroad Commission accusing any express company or carrier of property by water of charging, collecting or receiving more than a just and reasonable rate for the transportation of property, or any railroad company of charging, collecting or receiving more than a just and reasonable rate for the transportation of persons or property,

over its lines in this state, or when the commission receives information or has reason to believe that such rates are being charged, collected or received, the commission shall hear and determine the matter as speedily as possible. If, after notice and hearing as provided in *this Act* [KRS 276.340], the commission determines that the carrier is or has been guilty of charging, collecting or receiving more than a just and reasonable rate, the commission shall, in the case of a carrier of property by water, fix by order a just and reasonable maximum rate, or, in the case of a railroad or express company, a just and reasonable rate, which the carrier may charge, collect or receive for like services thereafter rendered.

(2) After the date when an order entered by the commission under subsection (1) of this section takes effect, as provided in KRS 276.370, no carrier affected by the order, and no officer, agent or employe of such carrier, shall charge, collect or receive a greater or higher rate for like services thereafter rendered than that fixed by the order.

Section 97. KRS 276.320 is amended to read:

Orders as to unjust discrimination may be made as provided in KRS 276.180. Upon complaint, notice and hearing as provided in *this Act* [KRS 276.340], the Railroad Commission may make an order requiring any carrier to remove any undue preference or advantage or any undue prejudice or disadvantage found by the commission to exist in violation of KRS 276.300, and may make an order prescribing the rates to be charged or services to be performed in order to remove such undue preference or advantage or undue prejudice or disadvantage.

Section 98. KRS 276.330 is amended to read:

(1) The Railroad Commission may *order a hearing as provided in this Act* [hear] and determine every complaint of any violation of any of the preceding provisions of this chapter, and shall render such award as may be proper.

(2) The commission may at any time institute an inquiry on its own motion in any case and as to any matter concerning which a complaint is authorized to be made, or concerning which

any question may arise, under the laws relating to common carriers, or relating to the enforcement of any provision of such laws. The commission may proceed with an inquiry instituted on its own motion as though it had been appealed to by complaint or petition, and may make and enforce any order in the case or relating to the matter concerning which the inquiry is had, except an order for the payment of money. No complaint shall at any time be dismissed because of the absence of direct damage to the complaint.

Section 99. KRS 276.340 is amended to read:

(1) All complaints made to the Railroad Commission under the provisions of this chapter shall be in writing.

[(2) Before conducting a hearing under the provisions of this chapter, the commission shall give the carrier complained of not less than ten days' notice, by letter mailed to an officer or agent of the carrier, stating the time and place of the hearing and the nature of the complaint or matter to be investigated.

(3) In any hearing under the provisions of this chapter, the commission shall hear and reduce to writing all evidence adduced by the parties.

(4) The commission may adopt reasonable and proper rules to govern its proceedings in all investigations and hearings.]

Section 100. KRS 276.410 is amended to read:

(1) Whenever the Railroad Commission, after a personal examination, finds that repairs are necessary upon any railroad property, or when, from complaint made or its own knowledge, the commission has reason to believe that the tracks, bridges, tunnels or other structures of any railroad company are in an unsafe or dangerous condition, or unfit for public travel, or that any additions to or improvements or changes in the stations or terminal facilities are needed for the convenience and security of the public, the commission shall give notice in writing to the company owning or operating the railroad, stating the repairs, improvements or changes that the commission deems proper and

necessary, and shall give the company an opportunity to be heard *as provided in this Act* in reference thereto. If a hearing is held, and the company fails to make such repairs, improvements or changes within a reasonable time after the hearing, and the commission believes that such repairs, improvements or changes are proper and necessary, the commission shall lay the facts before the Attorney-General for his action, and shall report the facts fully to the next legislature. No examination, request, advice or report of the commission under this subsection shall affect the duties or obligations of any railroad company or relieve it from any liability.

(2) If any passenger station used by a railroad company is destroyed or becomes unfit for the accommodation of the public, the Railroad Commission shall give written notice to the manager or chief officer in this state of the company owning or using the station, directing the company to repair the station, or, if it has been destroyed, to rebuild it. The company shall comply with the requirements of the notice within ninety days after it is received.

Section 101. KRS 276.990 is amended to read:

(1) Any person who violates any of the provisions of KRS 276.070 shall be fined not less than one thousand dollars nor more than five thousand dollars.

(2) Any express company that violates any of the provisions of subsection (1) of KRS 276.090 shall be fined not more than one thousand dollars.

[(3) Any express company or carrier of property by water, and any officer, employe or person in possession of the books, papers of correspondence of such company or carrier, who refuses to produce such books, papers and correspondence when required by the Railroad Commission under subsection (3) of KRS 276.100, shall be fined not more than one thousand dollars.]

*(3)* [(4)] Any person who neglects or refuses to obey a subpoena for his attendance as a witness issued by the Railroad Commission under subsection *(2)* [(4)] of KRS 276.100, or who refuses to testify when in attendance, shall, for each offense, be

fined not less than fifty dollars nor more than one hundred dollars, or imprisoned in the county jail for not less than ten days nor more than fifty days, or both.

*(4)* [(5)] Any person in possession of the books, correspondence or papers of any express company or carrier of property by water who refuses to produce such books, correspondence or papers when demanded by the Railroad Commission under subsection *(2)* [(4)] of KRS 276.100 shall be fined not more than five hundred dollars, or imprisoned in the county jail for not more than six months.

*(5)* [(6)] Any officer, agent or employe of a railroad company who fails or refuses to make under oath, within the time required, any report required by the Railroad Commission, or who fails or refuses to answer fully under oath, when required, any inquiry propounded by the commission, shall be fined not less than five hundred dollars nor more than one thousand dollars.

*(6)* [(7)] If any carrier violates any of the provisions of KRS 276.140 and the person making the request suffers damage in consequence thereof, through making the shipment over a route or line for which the proper rate is higher than the rate over another available route or line, or through entering into any contract or sale under which such person obligates himself to make the shipment at his cost, the carrier shall be liable to a penalty of two hundred and fifty dollars, which shall acrue to the state and may be recovered in a civil action brought by the state.

*(7)* [(8)] Any carrier or officer, agent or employe thereof who knowingly or willfully fails to comply with any order of the Railroad Commission made and entered under subsection (2) of KRS 276.200 shall be punished in the same manner as is provided in subsection (17) of this section for violations by railroads of subsection (2) of KRS 276.310.

*(8)* [(9)] Any carrier by rail or carrier by water, or agent or employe thereof, who violates any order issued by the Railroad Commission under KRS 276.210 shall be fined not more than one thousand dollars for the first offense, not more than three

thousand dollars for the second offense, and not more than five thousand dollars for every succeeding offense.

*(9)* [(10)] Any carrier that violates the provisions of subsection (1) of KRS 276.230 shall, unless exonerated as provided in subsection (2) of KRS 276.230, be fined for each offense not less than one hundred dollars nor more than five hundred dollars.

*(10)* [(11)] Any person who violates any of the provisions of subsections (1) or (3) of KRS 276.240 shall, for each offense, be fined not less than five hundred dollars nor more than two thousand five hundred dollars, or imprisoned in the county jail for not less than thirty days nor more than ninety days, or both. No person within the purview of KRS 276.240 shall be privileged from testifying in relation to anything prohibited by that section, but no person having so testified shall be liable to prosecution or punishment for any offense concerning which he was required to give his testimony.

*(11)* [(12)] Any common carrier of passengers that fails to file the report required by KRS 276.250 within the time required by that section shall be fined one thousand dollars.

*(12)* [(13)] Any officer of a common carrier of passengers who makes a false statement in a report required by KRS 276.250 shall be imprisoned in the penitentiary for not less than one year nor more than five years.

*(13)* [(14)] Any express company or carrier of property by water that violates any of the provisions of KRS 276.260 shall be fined not more than one thousand dollars.

*(14)* [(15)] Any common carrier that violates any of the provisions of KRS 276.270 shall be fined one thousand dollars for the first offense and two thousand dollars for each subsequent offense. Any other person who violates any of the provisions of that section shall be fined five hundred dollars for the first offense and one thousand dollars for each subsequent offense. Each person transported or furnished transportation in violation of KRS 276.270 shall be deemed a separate offense.

*(15)* [(16)] Any express company or carrier of property by water that violates any of the provisions of KRS 276.290 shall

be fined not more than five hundred dollars for the first offense, not more than one thousand dollars for the second offense, and not more than two thousand dollars for any subsequent offense. Any railroad company that violates any of the provisions of that section shall be fined not less than five hundred dollars nor more than one thousand dollars for the first offense, not less than five hundred dollars nor more than two thousand dollars for the second offense, and not less than two thousand dollars nor more than five thousand dollars for any subsequent offense. Any express company, carrier of property by water or railroad company that violates any of the provisions of KRS 276.280, 276.290 or 276.300 shall also be liable in damages to the person aggrieved to the amount of damages sustained, together with the costs of suit and reasonable attorneys' fees to be fixed by the court.

*(16)* [(17)] Any express company or carrier of property by water, or officer, agent or employe thereof, who violates any of the provisions of subsection (2) of KRS 276.310 shall be fined not more than one thousand dollars for the first offense, not more than two thousand dollars for the second offense, and not more than five thousand dollars for any subsequent offense. Any railroad company, or officer, agent or employe thereof, who violates any of the provisions of that subsection shall be fined not less than five hundred dollars nor more than one thousand dollars for the first offense, not less than one thousand dollars nor more than two thousand dollars for the second offense, and not less than two thousand dollars nor more than five thousand dollars for any subsequent offense.

*(17)* [(18)] Any carrier by rail or carrier of property by water, or agent, employe, trustee or receiver of such carrier, who knowingly or willfully fails to comply with an order made by the Railroad Commission under KRS 276.320 within thirty days after the order is entered by the commission on its records and a copy of the order is mailed to the general freight agent of the carrier, shall be fined not more than two hundred and fifty dollars for the first offense, not more than five hundred dollars for the second offense, and not more than two thousand five hundred dollars for the third offense. Every distinct viola-

tion shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

*(18)* [(19)] Any railroad company that violates any of the provisions of KRS 276.400 shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

*(19)* [(20)] Any railroad compay that violates or permits any of its employes or agents to violate any of the provisions of subsection (2) of KRS 276.410 or subsection (1) of KRS 276.430 shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense, and shall be liable for any damages caused by the violation.

*(20)* [(21)] Any railroad company that violates any of the provisions of subsections (2) or (3) of KRS 276.430 shall be fined not less than ten dollars nor more than twenty dollars for each offense.

*(21)* [(22)] Any person who violates any of the provisions of subsections (1) or (3) of KRS 276.450 be fined not less than fifty dollars nor more than five hundred dollars, or confined in the county jail for not less than ten days nor more than one hundred days, or both.

*(22)* [(23)] Any railroad company that violates any of the provisions of KRS 276.480 shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense.

*(23)* [(24)] Any person who violates any of the provisions of subsection (1) of KRS 276.490 shall be fined not more than five hundred dollars for each offense.

*(24)* [(25)] Any person who violates any of the provisions of subsection (2) of KRS 276.490 shall be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

*(25)* [(26)] Any carrier by rail or carrier by water, or officer, agent or employe thereof, who violates any of the provisions of KRS 276.020, 276.060, 276.130, 276.140, 276.150, 276.160, 276.170, 276.200(2) (3) (4), 276.220, 276.320, 276.330

(2) or 276.370, or who fails to comply with any order of the Railroad Commission made and entered pursuant to the provisions of those sections, and any officer, agent or employe of any such carrier who fails to perform any duty or obligation required to be performed by such carriers under the provisions of those sections, shall, if no other penalty is provided by this section for such violation or failure, be fined not less than five hundred dollars nor more than one thousand dollars for each offense.

Section 102. KRS 278.190 is amended to read:

(1) Whenever any utility files with the commission any schedule stating new rates, the commission may, upon its own motion, or upon complaint as provided in KRS 278.260, and upon reasonable notice, *order a hearing as provided in this Act* [enter upon a hearing] concerning the reasonableness of the new rates.

(2) Pending such hearing and the decision thereon, and after notice to the utility, the commission may, at any time before said schedule becomes effective, suspend the operation of said schedule and defer the use of such rate, charge, classification or service, but not for a longer period than five months beyond the time when it would otherwise go into effect; and after such hearing, either completed before or after the rate, charge, classification or service goes into effect, the commission may make such orders with reference thereto as it deems proper in the matter. If the proceeding has not been concluded and an order made at the expiration of such five months the utility may place the proposed change of rate, charge, classification or service in effect at the end of such period after notifying the commission, in writing, of its intention so to do. Where increased rates or charges are thus made effective, the commission may, by order, require the interested utility or utilities to maintain their records in such manner as will enable them, or the commission, or any of its customers, to determine the amounts to be refunded and to whom due in the event a refund is ordered, and upon completion of the hearing and decision may, by further order, require such utility or utilities to refund to the persons in whose behalf such amounts were paid such portion of such increased rates or charges as by its decision shall be found un-

reasonable. Provided, however, if the commission, at any time, during said five months' suspension period, finds that an emergency exists or that the company's credit or operations will be materially impaired or damaged by the failure to permit said rates to become effective during said five months' period, said commission may, after any hearing or hearings, permit all or a portion of said rates to become effective under such terms and conditions as the commission may, by order, prescribe.

(3) At any hearing involving the rate or charge sought to be increased, the burden of proof to show that the increased rate or charge is just and reasonable shall be upon the utility and the commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible, and in any event not later than ten months after the filing of such schedules.

(4) In the event the commission, by order, directs any utility to make a refund, as hereinabove provided, of all or any portion of such increased rates or charges, the utility shall make the same within sixty days after a final determination of the proceeding by an order of the court or commission with or without interest in the discretion of the commission. If the utility fails to make such refund within sixty days after such final determination, any party entitled to such refund may, after ten days' written demand, bring an action therefor in any court of competent jurisdiction of this state, and may recover, in addition to the amount of the refund due, legal interest, court costs and reasonable attorney's fees. No such action may be maintained unless instituted within one year after such final determination. Any number of persons entitled to such refunds may join in as plaintiffs in a single action and the court shall render a judgment severally for each plaintiff as his interest may appear.

Section 103. KRS 278.200 is amended to read:

The commission may, under the provisions of this chapter, originate, establish, change, promulgate and enforce any rate or service standard of any utility that has been or may be fixed by any contract, franchise or agreement between the utility and

any city, and all rights, privileges and obligations arising out of any such contract, franchise or agreement, regulating any such rate or service standard, shall be subject to the jurisdiction and supervision of the commission, but no such rate or service standard shall be changed, nor any contract, franchise or agreement affecting it abrogated or changed, until a hearing has been had [before the commission] in the manner prescribed in this chapter.

Section 104. KRS 278.310 is amended to read:

(1) *All hearings held on complaints filed under this Chapter shall be held in accordance with the provisions of this Act.* [The commission shall fix the time and place for each hearing held by it, and shall serve notice thereof upon the utility and the complainant not less than twenty days before the time set for the hearing.] The commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest or for the protection of substantial rights.

[(2) All hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission, and in the conduct thereof neither the commission nor the commissioner shall be bound by the technical rules of legal evidence.

(3) The complainant and the person complained of shall be entitled to be heard in person or by attorney and to introduce evidence.]

Section 105. KRS 278.350 is amended to read:

No person shall be excused from testifying or from producing any book, paper or account at any inquiry [by,] or hearing [before, the commission or any commissioner,] upon the ground that the testimony or the book, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture. No person shall be prosecuted or subjected to any forfeiture or penalty for, or on account of, anything concerning which he was compelled to testify under oath or to produce documentary evidence, except that no person so testifying shall be

exempt from prosecution or punishment for perjury committed by him in his testimony.

Section 106. KRS 280.030 is amended to read:

(1) Every person applying for a certificate of convenience and necessity under KRS 280.020 shall, at the time of application, make and file with the Department of Highways a statement in such form as the department prescribed.

(2) The statement shall, in addition to any other information required by the department, contain:

(a) The name of the applicant;

(b) The nature of the applicant, whether an individual, association or corporation, and under the laws of what state organized;

(c) The location of its principal office;

(d) The names and post office addresses of its president, secretary, auditor, treasurer, and superintendent or manager;

(e) The name and post office address of its chief officer or managing agent in this state;

(f) The location of the termini between which it transacts its ferry or bridge business;

(g) The number and capacity of boats or other vehicles owned and used for the ferry or the width of driveway of the bridge;

(h) The schedule of hours of service and trips made; and

(i) The schedule showing the rates to be charged and the classification of patrons by rates.

(3) The statement shall be made under the oath of the applicant or, if the applicant is an association or corporation, under the oath of its president, secretary, treasurer, superintendent or manager.

(4) The department shall, after the filing of the application, *order a hearing in accordance with the provisions of this*

*Act.* [fix a date for hearing the application, which shall be within thirty days after the filing.] The applicant shall give notice of the filing of the application by publication *pursuant to KRS Chapter 424.* [made once a week for two weeks immediately prior to the date set for the hearing, in a newspaper of general circulation published in the locality in which the applicant proposes to operate.]

(5) If it is made to appear to the department that public convenience and necessity requires the operation of the bridge or ferry, the department shall grant the certificate.

Section 107. KRS 280.100 is amended to read:

(1) If, after a hearing *as provided in this Act* [had upon ten days' notice to a bridge company or ferry company, and a reasonable opportunity to the company to be heard], the Department of Highways finds that *a bridge company or ferry company* [the company] has, without good cause, violated or refused to observe any order, rule or regulation of the department may, by order duly entered, suspend, revoke, alter or amend the certificate of convenience and necessity held by the company. If, after [such] notice and hearing, the department finds that the company has failed to comply with any of the provisions of KRS 280.010 to 280.110, the department shall revoke the certificate. If the certificate is revoked, the department shall take over the operation of the bridge or ferry.

(2) In any of the cases mentioned in subsection (1) of this section, the company may proceed under the provisions of KRS 280.110 to determine its rights.

Section 108. KRS 281.600 is amended to read:

The Department of Motor Transportation shall exercise all administrative functions of the state in relation to motor transportation as defined in this chapter, and shall apply, as far as practicable, the administrative and judicial interpretations of the Federal Motor Carrier Act. It shall have the right to regulate motor carriers as provided in this chapter, and to that end may establish reasonable requirements with respect to continuous and adequate service of transportation, systems of accounts, records

and reports, preservation of records and safety of operations and equipment. [It may issue subpoenas, subpoenas duces tecum and orders of personal attendance of witnesses, and production of pertinent records, for any proceeding before it, and permit the taking of depositions, all in accord with the Rules of Civil Procedure and] *It* shall have the power to make such rules and regulations as it may deem necessary to carry out the provisions of this chapter. The department shall have the authority to promulgate regulations regarding safety requirements for motor vehicles and the method of operation, and any motor vehicle operating contrary to such safety rules and regulations shall be in violation of this section.

Section 109. KRS 281.625 is amended to read:

(1) (a) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for change in route or for abandonment of a certificate or permit, the department shall *order a hearing as provided in this Act.* [within a reasonable time, fix the time and place for a hearing.]

(b) Upon the filing of a petition for the removal of a commodity from the exempted list, the same shall be held in the department and accumulated with others filed, if any, and at the end of each quarter of the year, the department shall fix the time and place for a hearing on petitions filed in the preceding quarter.

(c) At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any other person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regu-

lations prescribed therefor, file a protest to the granting in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall promulgate regulations designating as exempted commodities those ccommodities or property which are normally and usually not transported by common carriers by motor vehicle and may grant an irregular route common carrier certificate upon application, to transport only such exempted commodities without the holding of a hearing; and the department may also remove any commodity so designated at any time with a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It without the holding of a hearing.

Section 110. KRS 281.670 is amended to read:

Whenever any motor carrier is found to be violating any of the provisions of this chapter, or any order or rule and regulation prescribed by the department pursuant thereto, or any of

the laws of this state, or is found to be permitting any of its drivers or vehicles to violate any of the provisions of this chapter, or any order, or rule and regulation prescribed by the department pursuant thereto, or any of the laws of this state or is found to be unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may, upon complaint or upon its own motion, [issue its] order *a hearing as provided in this Act.* [to such motor carrier notifying it to appear before the department at a fixed time and place at which time and place the department shall have a hearing.] If the department is satisfied, after a hearing, that the motor carrier has violated or refused to observe any of the provisions of this chapter, or any order, or rule or regulation of the department, or any of the laws of this state, or has permitted any of its drivers or motor vehicles to violate any of the provisions of this chapter or any order, or rule or regulation prescribed by the department pursuant thereto, or any of the laws of this state, or has become unfit to carry out the duties, obligations and responsibilities of a motor carrier, the department may suspend, revoke, alter or amend any certificate or permit issued to such carrier. The renewal by the department of the certificate or permit of any motor carrier shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the motor carrier therefor.

Section 111. KRS 281.690 is amended to read:

(1) No common carrier or irregular route common carrier shall make any change in any rate that has been duly established under this chapter except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give notice of the proposed change to other interested persons in such manner as the department directs in its rules and regulations. All proposed changes shall be shown by filing new tariffs in the form and manner prescribed by the department. The department may, in accordance with regulations prescribe therefor, upon the showing of good cause, provided for the allowance of a change in rates by holders of certifi-

cates authorizing only transportation of property upon notice less than that herein specified.

(2) Whenever any tariff setting forth a change in rates is filed, the department may, upon its own initiative, and shall, upon protest file in accordance with the regulations of the department, enter upon a hearing *as provided in this Act* concerning the lawfulness of the proposed rate. At least thirty days before the hearing the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rate. The department may suspend the operation of the new rates for a period of not more than six months from the proposed effective date by order, giving reasons therefor. If after the hearing the department finds the proposed rate, or any part thereof, to be unjust, unreasonable, or unjustly discriminatory, or in violation of law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(3) No contract carrier shall make any change in its contract filed with the department except upon the approval of the department.

Section 112. KRS 281.695 is amended to read:

(1) The department has authority to fix or approve the rates, fares, charges, classifications, rules and regulations of each common carrier, and to regulate operating schedules so as to insure adequate and convenient transportation service. If the department, after a hearing *as provided in this Act* [held upon reasonable notice] upon its own motion or upon complaint, finds any existing rate to be excessive, inadequate, unreasonable or unjustly discriminatory, or finds the services rendered or facilities employed by any common carrier to be unsafe, inadequate, inconvenient or in violation of law or of the rules and regulations of the department, it may determine the just and reasonable rate to be charged therefor, or the reasonable, safe, adequate and convenient service to be thereafter furnished, and shall fix the same by order. The department need not fix the same rates as are or

may be fixed by other authorities for carriers engaged in other methods of transportation.

(2) The department has authority to fix or approve the contracts and regulations of each contract carrier so as to insure adequate and convenient transportation service. If the department, after a hearing *as provided in this Act* [held upon reasonable notice] upon it own motion or upon complaint, finds any existing contract to be excessive, unreasonable or unjustly discriminatory, or finds the services rendered or facilities employed by any contract carrier to be unsafe, inadequate, inconvenient or in violation of law or of the rules and regulations of the department, it may determine the just and reasonable amounts to be charged therefor, or the reasonable, safe, adequate and convenient service to be thereafter furnished and shall fix the same by order.

Section 113. KRS 281.700 is amended to read:

(1) No common carrier shall abandon or change any route or service, except upon an application heretofore provided for; except, however, if it becomes necessary, on account of the condition of the highways or other emergency, a common carrier may make temporary changes in route, service or schedules by notifying the department of such change. However, any carrier operating under a suburban bus certificate may make such changes in routes and schedules as may be necessary for the public convenience and shall not be required to notify the department of such changes, unless such changed condition is to continue for a period longer than ten days, in which event the carrier shall notify the department of the additional time that it desires such change or changes to remain in effect, and the reason therefor, and the department may grant such extension of time without a hearing.

(2) If after the granting of a certificate or permit operation is not begun within sixty days thereof, said certificate or permit will become null and void, and cannot be reinstated; provided, however, that the department may grant an additional time to begin such operation, provided application therefor is made within the sixty-day period.

(3) If, after a motor carrier has operated in good faith, there is an abandonment of the whole or any part of said operation, the department may notify said motor carrier to immediately begin such operation, and if such motor carrier fails to do so within thirty days thereof, the department may enter an order cancelling said certificate or permit, with or without a hearing, or it may enter an order requiring the motor carrier to opeate such abandoned route. *In the event a hearing under this section is held it shall be held in accordance with the provisions of this Act.*

Section 114. KRS 281.726 is amended to read:

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained, and from time to time has renewed, in accordance with the requirements of the Department of Public Safety, a certificate of the Department of Public Safety to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience.

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least eighteen years of age where the vehicle is transporting property, or at least twenty-one years of age where the vehicle is transporting passengers.

(3) The circuit clerk of each county shall:

(a) Act for the Department of Public Safety for the purpose of issuing certificates and badges referred to in subsections (1) and (4) of this section;

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications;

(c) Report to the Department of Public Safety not later than the week following that in which the certificates were issued;

(d) Keep adequate records of all moneys collected and remitted to the Department of Revenue;

(e) Keep in his office at all times available to the Department of Public Safety a record of all certificates issued in his county.

(4) The certificate shall cost two dollars, of which twenty-five cents shall be retained by the circuit court clerk to defray expenses of issuing the certificate and maintenance of records, and the remaining one dollar and seventy-five cents shall be paid into the State Treasury and credited to the State Road Fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession, and shall wear a badge, to be issued by the circuit clerk, indicating that he is a certified driver or chauffeur.

(5) The Department may, for good cause, upon complaint or upon its own motion, revoke or suspend any such certificate, and said person shall be entitled to a hearing *as provided in this Act.* [before the Department of Public Safety.]

Section 115. KRS 281.775 is amended to read:

The department may *order* [conduct] any investigation, inquiry or hearing *as provided in this Act* that it may deem proper in connection with the performance of its duties under this chapter with respect to motor carriers. The investigation and inquiry may be conducted by or before the commissioner or any of his assistants or any representative of the department designated by the commissioner.

Section 116. KRS 281.780 is amended to read:

*Where a certificate or permit has been issued or amended or revoked or suspended or sold or transferred and an appeal is taken under this Act the certificate or permit or its amendment shall remain in force until final disposition of the appeal.*

[(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it, or from any order granting temporary authority or approval under KRS 281.632 by any motor carrier affected thereby.

(2) In the case of an appeal wherein a certificate or permit

has been issued or amended or revoked or suspended or sold or transferred, the certificate or permit or its amendment shall remain in force until final disposition of the appeal.

(3) An appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the final order or order granting temporary authority or approval under KRS 281.632 of the department. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the department. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The department shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.]

Section 117. KRS 288.490 is amended to read:

(1) The *commissioner* [director] may revoke any license issued under this chapter if he finds:

(a) That the licensee has failed to pay his annual license fee; or

(b) That the licensee has violated any provisions of this chapter or has failed to comply with any rule or regulation lawfully made pursuant thereto; or

(c) That any fact or condition then exists which clearly would have warranted the *commissioner* [director] in refusing to issue a license on an original application; or

(d) That the licensee has failed to open an office for business within one hundred twenty days from the date the license is granted, or has failed to remain open for business for a period of one hundred twenty days, unless in each such case good cause be shown.

(2) The *commissioner* [director] may suspend any license for a period not exceeding thirty days, pending investigation of possible grounds for revocation under paragraphs (b) or (c) of subsection (1) of this section.

(3) Before the revocation of a license under subsection (1), or suspension under subsection (2), the licensee shall be given [ten days' written notice of the contemplated revocation or suspension of his license, the grounds therefor stated specifically, and a reasonable] *an* opportunity to be heard *as provided in this Act.*

(4) The *commissioner* [director] may reinstate suspended licenses or issue new licenses to a licensee whose license has been revoked if no fact or condition then exists which clearly would have warranted him in refusing originally to issue such license under this chapter.

(5) Any licensee may surrender any license by delivering it to the *commissioner* [director] together with written notice that he thereby surrenders such license.

Section 118. KRS 288.500 is amended to read:

Whenever the *commissioner* [director] denies any application for a license under the provisions of this chapter or revokes any license issued pursuant to this chapter, he shall forthwith file in his office a written order to that effect, stating his findings with respect thereto and the reasons for his action. The *commissioner* [director] shall also forthwith serve upon the applicant for license or licensee a copy of the order, and the applicant or licensee may appeal *as provided in this Act.* [to the circuit court of Franklin County, within thirty days after the service of a copy of the order.]

Section 119. KRS 290.280 is amended to read:

(1) If any credit union fails to make the report prescribed by KRS 290.090 within fifteen days after it is due, or fails to pay the charges required by this chapter, including the charges for delay in filing reports, the *commissioner* [director] of Banking *and Securities* shall give notice to the credit union of his

intention to revoke the certificate of approval of the corporation. If such failure continues for fifteen days after the notice, the *commissioner* [director] of Banking *and Securities* may, in his discretion, revoke the certificate of approval and take possession of the property and business of the credit union until such time as the *commissioner* [director] of Banking *and Securities* permits it to resume business, or until its affairs are liquidated.

(2) When it appears to the *commissioner* [director] of Banking *and Securities* that any credit union has violated any of the provisions of this chapter, or any rule or regulation adopted pursuant thereto, he may, after an opportunity for hearing *under the provisions of this Act* has been given such credit union, make an order, over his signature and official seal, directing the credit union to discontinue the illegal practices specified in the order. If any credit union is insolvent, has violated any of the provisions of this chapter or has failed to comply, within a reasonable time, with any order mailed to the last address recorded with the *commissioner* [director] of Banking *and Securities* by the credit union, then the *commissioner* [director] of Banking *and Securities,* or one of his deputies, shall take possession of the business and property of the credit union as soon as practicable, and shall retain such possession until the *commissioner* [director] of Banking *and Securities* permits it to resume business, or until its affairs are liquidated.

Section 120. KRS 291.550 is amended to read:

(1) The commissioner, for good cause, after a hearing upon reasonable notice with an opportunity to be heard, may revoke and remove from his file, or suspend for thirty days, any certificate issued under KRS 291.410 to 291.600 if he finds that:

(a) The holder of the certificate has failed to pay his annual fee for the privilege of doing business;

(b) The certificate holder has violated any provision of KRS 291.410 to 291.600 or has failed to comply with any rule or regulation lawfully made pursuant thereto;

(c) Any fact or condition then exists which clearly would

have warranted the commissioner in refusing to issue a certificate on an original application; or

(d) The certificate holder has failed to open an office for business within one hundred and twenty days from the date the certificate is granted, or has failed to remain open for business for a period of one hundred and twenty days, unless in each case good cause be shown.

(2) Before the revocation or suspension of a certificate under subsection (1) of this section, the certificate holder shall be given fifteen days written notice of the contemplated revocation or suspension of his certificate, the grounds therefor stated specifically, and opportunity *to be heard as provided in this Act.* [for a hearing within thirty days of receipt by the certificate holder of the notice of the contemplated revocation.]

(3) The commissioner may reinstate suspended certificates or issue new certificates to a certificate holder whose certificate has been revoked if no fact or condition then exists which clearly would have warranted him in refusing originally to issue such certificate under KRS 291.410 to 291.600.

(4) Any certificate holder may surrender any certificate by delivering it to the commissioner together with written notice that he thereby surrenders such certificate.

Section 121. KRS 291.570 is amended to read:

[(1) Any person whose certificate is revoked or suspended may appeal from the order of revocation or suspension by filing in the Franklin Circuit Court a notice of appeal and a copy of the order of the commissioner within thirty days of the date of entry of the order. He shall execute bond for costs. The petition for appeal shall set forth with particularity the grounds upon which the appeal is taken. The certificate holder shall cause a copy of the notice of appeal to be served upon the commissioner.

(2) Within thirty days after service of notice of appeal, or within such further time as the court may allow, the commissioner shall file in the Franklin Circuit Court the original or a certified copy of the entire record of the proceeding under

review; but, by stipulation of the parties, the record may be shortened.]

[(3) The filing of the notice of appeal does not stay enforcement of the order; but upon motion of the appellant the Franklin Circuit Court, in its discretion, may order a stay pending decision of the appeal. In the event there is an appeal from the Franklin Circuit Court to the Court of Appeals, the circuit court may order a stay pending decision of the appeal.] *Where an appeal is prosecuted under the provisions of this Act* a bond may be required by the court if in its judgment the public interest may so demand. If the time for renewal of the certificate occurs during a stay of enforcement, the commission shall grant a renewal upon application properly made and payment of the usual fees.

[(4) The Franklin Circuit Court shall set the case for hearing without a jury and dispose of the appeal in a summary manner, being confined to the record made before the commissioner except that new evidence may be introduced as to fraud. The court may hear oral arguments and receive written briefs. The court may affirm or set aside the order of the commissioner, or may remand the case to the commissioner for further evidence.

(5) Any aggrieved party may secure a review of an adverse judgment of the Franklin Circuit Court under KRS 291.410 to 291.600 by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided in the Rules of Civil Procedure.]

Section 122. KRS 292.330 is amended to read:

(1) It is unlawful for any person to transact business in this state as a broker-dealer or agent, except in transactions exempt under KRS 292.410, unless he is registered under this chapter. It is unlawful for any broker-dealer or issuer to employ an agent unless the agent is registered. It is unlawful for any person to transact business in this state as an investment adviser unless (a) he is so registered under this chapter, or (b) he is registered as a broker-dealer under this chapter, or (c) his only clients in this state are investment companies as defined in the Investment Company Act of 1940 or insurance companies,

(2) A broker-dealer, agent, or investment adviser may apply for registration by filing with the director an application together with a consent to service of process pursuant to KRS 292.430 and payment of the fee prescribed in subsection (5). Registration of a broker-dealer automatically constitutes registration of all partners, officers or directors of such broker-dealer as agents (except any partner, officer or director whose registration as an agent is denied, suspended or revoked under subsection (7)) without the filing of applications for registration as agents or the payment of fees for registration as agents. The application shall contain whatever information the director requires concerning such matters as:

(a) The applicant's form and place of organization;

(b) The applicant's proposed method of doing business;

(c) The qualifications and business history of the applicant and in the case of a broker-dealer or investment adviser, any partner, officer, or director.

(d) Any injunction or administrative order or conviction of a misdemeanor involving a security or any aspect of the securities business and any conviction of a felony; and

(e) The applicant's financial condition and history.

(3) If no denial order is in effect and no proceeding is pending under subsection (7), registration becomes effective at noon of the thirtieth day after an application is filed. The director may specify an earlier effective date and he may by order defer the effective date until noon of the thirtieth day after the filing of any amendment. The director may require as conditions of registration:

(a) That the applicant (and, in the case of a corporation or partnership, the officers, directors or partners) pass a written examination as evidence of knowledge of the securities business;

(b) That a broker-dealer have a minimum capital, but the director shall not require capital in excess of $10,000; and

(c) That a broker-dealer post a surety bond in an amount up to $10,000, except that no such bond may be required of any

broker-dealer whose capital exceeds $25,000. An appropriate deposit of cash or securities shall be accepted in lieu of any required surety bond. Every surety bond shall provide for suit thereon by any person who has a cause of action under KRS 292.991, and every such bond shall provide that no suit may be maintained to enforce any liability on the bond unless brought within two years after the sale or other act upon which it is based.

Registration of a broker-dealer, agent or investment adviser shall be effective until March 1 of the following year and may be renewed as hereinafter provided. The registration of an agent is not effective during any period when he is not associated with an issuer or a registered broker-dealer specified in his application or a notice filed with the director. When an agent begins or terminates a connection with an issuer or registered broker-dealer, the agent and the issuer or broker-dealer shall promptly notify the director.

(4) Registration of a broker-dealer, agent or investment adviser may be renewed by filing with the director prior to the expiration thereof an application containing such information as the director may require to indicate any material change in the information contained in the original application or any renewal application for registration as a broker-dealer, agent or investment adviser filed with the director by the applicant, payment of the prescribed fee and, in the case of a broker-dealer, a financial statement showing the financial condition of such broker-dealer as of a date within ninety days. A registered broker-dealer or investment adviser may file an application for registration of a successor, whether or not the successor is then in existence, for the unexpired portion of the year without payment of any fee.

(5) The fee for initial or renewal registration shall be one hundred dollars for a broker-dealer, fifty dollars for an investment adviser, and fifteen dollars for an agent.

(6) Every registered broker-dealer and investment adviser shall make and keep such accounts and other records, except with respect to securities exempt under KRS 292.400 (1), as the

director prescribed. All records so required shall be preserved for three years unless the director prescribes otherwise for particular types of records. All the records of a registered broker-dealer or investment adviser are subject at any time or from time to time to such reasonable periodic, special, or other examinations by representatives of the director, within or without this state, as the director deems necessary or appropriate in the public interest or for the protection of investors.

(7) The director may by order deny, suspend, or revoke registration of any broker-dealer, agent or investment adviser if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, or director:

(a) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) Has wilfully violated or wilfully failed to comply with any provision of this chapter or a predecessor law or any rule or order under this chapter or a predecessor law;

(c) Has been convicted, within the past ten years, of any misdemeanor involving a security or any aspect of the securities business, or any felony;

(d) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(e) Is the subject of an order of the director denying, suspending, o revoking registration as a broker-dealer, agent, or investment adviser;

(f) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the Securities and Exchange Commission denying or revoking registration as a broker-dealer or agent, or the substantial equiv-

alent of those terms as defined in this chapter, or is the subject of an order of the Securities and Exchange Commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States Post Office fraud order; but 1. the director may not institute a revocation or suspension proceeding under this paragraph more than one year from the date of the order relied on, and 2. he may not enter any order under this paragraph on the basis of an order unless that order was based on facts which would currently constitute a ground for an order under this section;

(g) Has engaged in dishonest or unethical practices in the securities business;

(h) Is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; but the director may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser; or

(i) Has not complied with a condition imposed by the director under subsection (3), or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business; or

(j) Has failed to pay the proper filing fee; but the director may enter only a denial order under this clause, and he shall vacate any such order when the deficiency has been corrected.

The director may not institute a suspension or revocation proceeding on the basis of a fact or transaction known to him when registration became effective. The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this subsection. Upon the entry of the order, the director shall promptly notify the applicant or registrant, as well as the employer or prospective employer if the applicant or registrant is an agent, that it has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by

the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing *as provided in this Act* may modify or vacate the order or extend it until final determination. No order may be entered under this section denying or revoking registration without appropriate prior notice to the applicant or registrant (as well as the employer or prospective employer if the applicant or registrant is an agent), opportunity for hearing, and written findings of fact and conclusions of law.

(8) If the director finds that any registrant or applicant for registration is no longer in existence or has ceased to do business as a broker-dealer, investment adviser or agent, or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the director may by order cancel the registration or application.

Section 123. KRS 292.390 is amended to read:

(1) The director may issue a stop order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that:

(a) The registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was in the light of the circumstances under which it was made, false or misleading with respect to any material fact;

(b) Any provision of this chapter or any rule, order, or condition lawfully imposed under this chapter has been willfully violated in connection with the offering by 1. the person filing the registration statement, 2. the issuer, any partner, officer, or director of the issuer, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer, or 3. any underwriter;

(c) The security registered or sought to be registered is the subject of a permanent or temporary injunction of any court of competent jurisdiction entered under any other federal or state act applicable to the offering; but 1. the director may not institute a proceeding against an effective registration statement under this paragraph more than one year from the date of the injunction relied on, and 2. he may not enter an order under this paragraph on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for a stop order under this section;

(d) The issuer's enterprise or method of business includes or would include activities which are illegally where performed;

(e) The offering has worked or tended to work a fraud upon purchases or would so operate;

(f) The offering has been, or would be, made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensations, or promoters' profits or participation, or unreasonable amounts or kinds of options;

(g) When a security is sought to be registered by notification, it is not eligible for such registration;

(h) When a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by KRS 292.360(2)(g); or

(i) The applicant or registrant has failed to pay the proper registration fee; but the director may enter only a denial order under this paragraph and he shall vacate any such order when the deficiency has been corrected;

(j) A commission or fee greater than fifteen percent would be paid directly or indirectly, in consideration for the sale of the securities sought to be registered and this fee shall include the cost of legal, accounting, and printing expenses.

(2) The director may not enter a stop order against an effective registration statement on the basis of a fact or transaction known to him when the registration statement became effective.

(3) Upon the entry of a stop order under any part of this section, the director shall promptly notify the issuer of the securities and the applicant or registrant that the order has been entered and of the reasons therefor and that within fifteen days after the receipt of a written request the matter will be set down for hearing. If no hearing is requested within fifteen days and none is ordered by the director, the director shall enter his written findings of fact and conclusions of law and the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing *as provided in this Act* to the issuer and to the applicant or registrant, shall enter his written findings of fact and conclusions of law and may modify or vacate the order. The director may modify or vacate a stop order if he finds that the conditions which prompted its entry have changed or that it is otherwise in the public interest to do so.

Section 124. KRS 292.410 is amended to read:

Except as hereinafter in this section expressly provided, KRS 292.330 to 292.390 shall not apply to any of the following transactions:

(1) Any isolated transaction, whether effected through a broker-dealer or not;

(2) Any non-issuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence if the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security;

(3) Any non-issuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer

acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit;

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) Any transaction evecuted by a bona fide pledgee without any purpose of evading this chapter;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction pursuant to an offer directed by the offeror to not more than ten persons (other than those designated in subsection (8)) of this state during any period of twelve consecutive months, whether or not the offeror or any of the offerees is then present in this state, if (a) the seller reasonably believes that all the buyers are purchasing for investment, and (b) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer;

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing

security holders of the issuer, including persons who at the time of the transaction or holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days;

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both the chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act;

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to cash dividend where the stockholder can elect to take a dividend in cash or stock;

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation or sale of assets.

The director may by order deny or revoke the exemption specified in subsection (2) with respect to a specific security. Upon the entry of such an order, the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within fifteen days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, after notice of and opportunity for hearing *as provided in this Act to* all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated this chapter by reason of any offer or sale effected after

the entry of an order under this subsection if he sustains the burden of proof that he did not know, and in the exercise of reasonable care could not have known of the order. In any proceeding under this chapter, the burden of proving an exemption from a definition is upon the person claiming it.

Section 125. KRS 292.460 is amended to read:

(1) The director in his discretion (a) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provisions of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, (b) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated, and (c) may publish information concerning any violation of this chapter or any rule or order hereunder. *Any hearing held under the provisions of this section shall be held in accordance with the provisions of this Act.*

[(2) For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take advice, and require production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question; and any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) No person is excused from attending and testifying or from producing any document or record before the director,

or in obedience to the subpoena of the director or any officer designated by him, or in any proceeding instituted by the director, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.]

Section 126. KRS 292.490 is amended to read:

Any person aggrieved by a final order of the director may obtain a review of the order *in accordance with the provisions of this Act.* [by filing in the Franklin Circuit Court, within sixty days after the entry of the order, a written petition praying that the order be modified or set aside in whole or in part. A copy of the petition shall be forthwith served upon the director, and thereupon the director shall certify and file in court a copy of the filing, testimony, and other evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce, or set aside the order, in whole or in part. No objection to the order may be considered by the court unless it was urged before the director or there were reasonable grounds for failure to do so. The findings of the director as to the facts, if supported by substantial evidence, are conclusive. If either party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for failure to adduce the evidence in the hearing before the director the court may order the additional evidence to be taken before the director and to be adduced upon the hearing in such manner and upon such conditions as the court may consider proper. The director may modify his findings as to the facts, by reason of the additional evidence so taken; and he shall file any modified or new findings, which if supported by substantial evidence shall be conclusive, and any

recommendation for the modification or setting aside of the original order. The commencement of proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the director's order. An appeal may be taken from the judgment of the Franklin Circuit Court on any such appeal to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions.]

Section 127. KRS 300.680 is amended to read:

(1) When the Commissioner of Insurance upon investigation finds that a foreign or alien society transacting or applying to transact business in this state:

(a) Has exceeded its powers;

(b) Has failed to comply with any of the provisions of this chapter;

(c) Is not fulfilling its contracts in good faith; or

(d) Is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public; he shall notify the society of his findings, state in writing the reasons for his dissatisfaction and *afford the society an opportunity for a hearing under the provisions of this Act.* [require the society to show cause on a date named why its license should not be suspended, revoked or refused.] If on such date the society does not present good and sufficient reason why its authority to do business in this state should not be suspended, revoked or refused, he may suspend or refuse the license of the society to do business in this state until satisfactory evidence is furnished to him that such suspension or refusal should be withdrawn or he may revoke the authority of the society to do business in this state.

(2) Nothing contained in this section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

Section 128. KRS 300.690 is amended to read:

(1) Agents of societies shall be licensed in accordance with the provisions of this section.

(2) The term "insurance agent" as used in this section means any authorized or acknowledged agent of a society who acts as such in the solicitation, negotiation or procurement or making of a life insurance, accident and health insurance or annuity contracts, except that the term "insurance agent" shall not include:

(a) Any regular salaried officer or employe of a licensed society who devotes substantially all of his services to activities other than the solicitation of fraternal insurance contracts from the public, and who receives for the solicitation of such contracts no commission or other compensation directly dependent upon the amount of business obtained; or

(b) Any agent or representative of a society who devotes, or intends to devote, less than fifty percent of his time to the solicitation and procurement of insurance contracts for such society. Any person who in the preceding calendar year has solicited and procured life insurance contracts on behalf of any society in an amount of insurance in excess of fifty thousand dollars, or, in the case of any other kind or kinds of insurance which the society might write, on the persons of more than twenty-five individuals and who has received or will receive a commission or other compensation therefor, shall be presumed to be devoting, or intending to devote, fifty percent of his time to the solicitation or procurement of insurance contracts for such society.

(3) Any person who in this state acts as insurance agent for a society without having authority so to do by virtue of a license issued and in force pursuant to the provisions of this section shall, except as provided in subsection (1), be guilty of a misdemeanor.

(4) No society doing business in this state shall pay any commission or other compensation to any person for any services in obtaining in this state any new contracts of life, accident or health insurance, or any new annuity contract, except to a

licensed insurance agent of such society and except an agent exempted under subsection (1)(b) of this section.

(5)(a) The Commissioner of Insurance may issue a license to any person who has paid an annual license fee of five dollars and who has complied with the requirements of this section, authorizing such license to act as an insurance agent on behalf of any society named in such license which is authorized to do business in this state.

(b) Before any insurance agent's license shall be issued there shall be on file in the office of the Commissioner of Insurance the following documents:

1. A written application by the prospective licensee in such form or forms and supplements thereto, and containing such information, as the Commissioner of Insurance may prescribe; and

2. A certificate by the society which is to be named in such license, stating that such society has satisfied itself that the named applicant is trustworthy and competent to act as such insurance agent and that the society will appoint such applicant to act as its agent if the license applied for is issued by the Commissioner of Insurance. Such certificate shall be executed and acknowledged by an officer or managing agent of such society.

(c) No written or other examination shall be required of any individual seeking to be named as a licensee to represent a fraternal benefit society as its agent.

(d) The Commissioner of Insurance may refuse to issue or renew any insurance agent's license if in his judgment the proposed licensee is not trustworthy and competent to act as such agent, or has given cause for revocation or suspension of such license, or has failed to comply with any prequisite for the issuance or renewal, as the case may be, of such license.

(e) Every license issued pursuant to this section, and every renewal thereof, shall expire on December 31 of the even-numbered calendar year following the calendar year in which such license or renewal license was issued.

(f) If the application for a renewal license shall have been

filed with the Commissioner of Insurance on or before December 31 of the year in which the existing license is to expire, such applicant named in such existing licenses may continue to act as insurance agent under such existing license, unless same shall be revoked or suspended, until the issuance by the Commissioner of Insurance of the renewal license or until the expiration of five days after he shall have refused to renew such license and shall have served written notice of such refusal on the applicant. If the applicant shall, within thirty days after such notice is given, notify the Commissioner of Insurance in writing of his request for a hearing on such refusal, the Commissioner of Insurance shall, within a reasonable time after receipt of such notice, grant such hearing *in accordance with the provisions of this Act,* and he may, in his discretion, reinstate such license.

(g) Any such renewal license of an insurance agent may be issued upon the application of the society named in the existing license. Such application shall be in the form or forms prescribed by the Commissioner of Insurance and shall contain such information as he may require. Such application shall contain a certificate executed by the president, or by a vice president, a secretary, an assistant secretary, or corresponding officer by whatever name known, or by an employe expressly designated and authorized to execute such certificate of a domestic or foreign society or by the United States manager of an alien society, stating that the addresses therein given of the agents of such society for whom renewal licenses are requested therein have been verified in each instance immediately preceding the preparation of the application. Notwithstanding the filing of such application, the Commissioner of Insurance may, after reasonable notice to any such society, require that any or all agents of such society to be named as licensees in renewal licenses shall execute and file separate applications for the renewal of such licenses, as hereinbefore specified, and he may also require that each such application shall be accompanied by the certificate specified in subparagraph (b) (2) of subsection (5) of this section.

(6) Every society doing business in this state shall, upon the termination of the appointment of any insurance agent licensed to represent it in this state, forthwith file with the Com-

missioner of Insurance a statement, in such form as he may prescribe, of the facts relative to such termination and the cause thereof. Every statement made pursuant to this section shall be deemed a privileged communication.

(7)(a) The Commissioner of Insurance may revoke or may suspend for such period as he may determine, any insurance agent's license, if, after notice and hearing *as provided in this Act* [as specified in this section], he determines that the licensee has:

1. Violated any provision of, or any obligation imposed by, this section, or has violated any law in the course of his dealings as agent;

2. Made a material misstatement in the application for such license;

3. Been guilty of fraudulent or dishonest practices;

4. Demonstrated his incompetency or untrustworthiness to act as an insurance agent; or

5. Been guilty of rebating as defined by the laws of this state to life insurance companies.

(b) The revocation or suspension of any insurance agent's license shall terminate forthwith the license of such agent. No individual whose license has been revoked shall be entitled to obtain any insurance agent's license under the provisions of this section for a period of one year after such revocation or, if such revocation be judicially reviewed, for one year after the final determination thereof affirming the action of the Commissioner of Insurance in revoking such license.

Section 129. KRS 300.720 is amended to read:

All decisions and findings of the Commissioner of Insurance made under the provisions of this chapter shall be subject to review by proper proceedings *as provided in this Act.* [in any court of competent jurisdiction in this stae, as provided in KRS 304.042 to 304.052.]

Section 130. KRS 303.080 is amended to read:

(1) A hospital service corporation may be wholly reinsured by, or merged or consulted with, or converted to, an insurance company, either stock or mutual, in accordance with such plan as may have been approved by the commissioner and by a majority of the members or certificate holders who vote thereon at a meeting of such members duly held upon notice of such purpose.

(2) The commissioner shall approve any such plan unless found by him, after a hearing thereon *as provided in this Act* that:

(a) The plan does not provide to members of certificate holders benefits and financial safeguards at least equal to those theretofore existing.

(b) The plan is unfair or inequitable to such members or certificate holders, and in which event the commissioner shall specify the particulars.

(3) Such a corporation may otherwise be liquidated and may be dissolved in the same manner as provided as by laws of this state relating to general business corporations.

Section 131. KRS 304.018 is amended to read:

(1) The commissioner shall have the authority expressly conferred upon him by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules and regulations for effectuating any provision of this code. No such rules and regulations shall be effective prior to filing *in accordance with the provisions of KRS Chapter 13.* [with the Secretary of State as required by law.]

(b) Conduct examinations and investigations to determine whether any person has violated any provision of this code or to secure information useful in the lawful administration of any such provision,

(c) Establish and maintain such branch offices in this state as may reasonably be required for the efficient administration of this code.

Section 132. KRS 304.036 is amended to read:

(1) The commissioner shall make a full written report of any examination made by him.

(2) The commissioner shall furnish a copy of the report of the person examined not less than twenty days prior to the filing of the report for public inspection in the department. Upon the written request of such person within the twenty days period, the commissioner shall hold a hearing *as provided in this Act* to consider objections of such person to the report as proposed and shall not so file the report until after such hearing, and until after any modifications in the report deemed necessary by the commissioner have been made. The report, when filed for public inspection, shall be admissible in evidence in any action or proceeding brought by the commissioner against the person examined, or its officers or agents; except, that the commissioner or his examiners may at any time testify and offer other proper evidence as to information secured during the course of an examination, whether or not a written report of the examination has at that time been either made, served, or filed in the department.

(3) The commissioner may withhold from public inspection any examination or investigation report for so long as he deems prudent.

Section 133. KRS 304.037 is amended to read:

(1) The commissioner may take depositions, subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of any person being examined, or relative to the subject of any [hearing or] investigation.

(2) The subpoena shall have the same force and effect and shall be served in the same manner as if issued from a circuit court of this state.

(3) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in such circuit court. Witness fees, mileage, and the actual expense necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the person as to whom the examination is being made. [,] [or by the person if other than the commissioner, at whose request the hearing is held.]

Section 134. KRS 304.038 is amended to read:

If any individual fails to obey the subpoena, or obeys the subpoena but refuses to testify when required concerning any matter under examination or investigation [or the subject of the hearing,] the commissioner shall file his written report thereof and proof of service of his subpoena, in any court of general jurisdiction in the county where the examination, [hearings,] or investigation is being conducted. Thereupon the court shall forthwith cause the individual to be brought before it and may punish him as if the failure or refusal related to a subpoena from or testimony in that court.

Section 135. KRS 304.039 is amended to read:

A person shall not be excused from attending and testifying or producing any evidence upon any examination, hearing, or investigation conducted by *or ordered by* [under authority] of the commissioner, on the ground that his testimony or the evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. Unless such person in writing expressly waives such privilege or immunity, he shall not be prosecuted or punished in any criminal action or proceeding for or an account of any act, transaction, matter or thing concerning which he is so compelled to produce evidence or to testify under oath, except for perjury committed in such testimony.

Section 136. KRS 304.042 is amended to read:

(1) The commissioner shall *order* [hold] a hearing if required by any provisions of this code. He may *order* [hold] other hearings as he may deem necessary for such purposes as are within the scope of this code.

(2) *The hearings shall be held in accordance with the provisions of this act.* [The hearing shall be held at the place designated by the commissioner, and at his discretion it may be open to the public.]

(3) Application for a hearing made to the commissioner pursuant to any provision of this code shall be in writing, shall specify in what respects the person so applying was aggrieved and the grounds to be relied upon as the basis for the relief to be demanded at the hearing. [The commissioner shall hold such hearing applied for within thirty days after his receipt of the application, unless postponed by mutual consent.]

Section 137. KRS 304.076 is amended to read:

The commissioner shall not grant or continue authority to transact insurance in this state as to any insurer the management of which is found by him, after a hearing *as provided in this Act* held thereon, to be untrustworthy, or so lacking in insurance experience as to make the proposed operation hazardous to the insurance-buying public; or which, after a hearing *as provided in this Act* held thereon, he has good reason to believe is affiliated directly or indirectly through ownership, control, re-insurance transactions or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders or investors or creditors or of the public, by manipulation or dissipation of assets, or manipulation of accounts, or of reinsurance, or by similar injurious actions.

Section 138. KRS 304.087 is amended to read:

The commissioner may after a hearing *as provided in this Act* refuse, suspend, or revoke an insurer's authority to transact insurance, in addition to other grounds therefor in this code, if the insurer:

(1) Fails to comply with or violates any provisions of this code other than those for non-compliance with or violation of which refusal, suspension, or revocation is mandatory.

(2) Fails to comply with any proper order of the commis-

sioner, within the time properly allowed in such order.

(3) Is found by the commissioner upon examination, or other evidence to be in unsound condition or in such condition as to render its further proceedings hazardous to the public or to its policyholders.

(4) Usually compels claimants under policies either to accept less than the amount due them or to bring suit against it to secure full payment thereof.

(5) Is affiliated with and under the same general management or interlocking directorate, or ownership as another insurer which transacts direct insurance in this state without having a certificate of authority therefor, except as permitted under KRS 304.580 to 304.598 of this code.

(6) Refuses to be examined, or if its directors, officers, employes or representatives refuse to submit to examination or give testimony concerning its affairs or to produce its accounts, records, and files for examination by the commissioner when required, or refuse to perform any legal obligation relative to the examination.

(7) Fails to pay or satisfy any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within sixty days after the judgment became final or within sixty days after time for taking an appeal has expired, or within sixty days after dismissal of an appeal before final determination, whichever date is the later.

Section 139. KRS 304.559 is amended to read:

(1) The commissioner shall refuse to renew or shall revoke any such license immediately and without hearing, upon conviction of the licensee, by any court of competent jurisdiction, of a felony involving moral turpitude or of a violation of this code.

(2) The commissioner may otherwise refuse to renew, may suspend or revoke any such license, for violation of law relating to insurance or other cause specified in this code, after a hearing *under this Act.* [upon not less than ten days' written notice of

the hearing and charges given to the licensee by registered mail addressed to his last address of record with the commissioner. In the case of agents' licenses, the commissioner shall give like notice in like manner to the insurer as to whom the license was issued, mailed to the insurer's principal place of business. In the case of solicitors' licenses the commissioner shall give such notice to the agent as to whom the solicitor is licensed.]

Section 140. KRS 304.574 is amended to read:

(1) A license may be refused, or a license duly issued may be suspended or revoked or the renewal thereof refused by the commissioner if, after notice and hearing as hereafter provided, he finds that the applicant for, or holder of such license:

(a) Has willfully violated any provision of this code;

(b) Has intentionally made a material misstatement in the application for such license;

(c) Has obtained, or attempted to obtain, such license by fraud or misrepresentation;

(d) Has misappropriated or converted to his own use or illegally withheld money belonging to an insurer or an insured or beneficiary;

(e) Has otherwise demonstrated lack of trustworthiness or competence to act as a life insurance agent;

(f) Has been guilty of fraudulent or dishonest practices;

(g) Has materially misrepresented the terms and conditions of life insurance policies or contracts;

(h) Has engaged in "twisting" as defined in KRS 304.924 to 304.945, or

(i) Has obtained, or attempted to obtain such license, not for the purpose of holding himself out to the general public as a life insurance agent, but primarily for the purpose of writing controlled business as defined in KRS 304.518.

(2) The procedure for refusal, suspension, or revocation of license shall be as provided in *this Act.* [KRS 304.559.]

(3) No licensee whose license has been revoked hereunder shall be entitled to file another application for a license as a life insurance agent within one year from the effective date of such revocation or, if judicial review of such revocation is sought, within one year from the date of final court order or decree affirming such revocation. Such application, when filed, may be refused by the commissioner unless the applicant shows good cause why the revocation of his license shall not be deemed a bar to the issuance of a new license.

Section 141. KRS 304.604 is amended to read:

(1) If within the waiting period or any extension thereof as provided in subsection (4) of KRS 304.603, the commissioner finds that a filing does not meet the requirements of KRS 304.601 to 304.617, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respect he finds such filing fails to meet the requirements of KRS 304.601 to 304.617 and stating that such filing shall not become effective.

(2) If within thirty days after a specific inland marine rate on a risk specially rated by a rating organization, subject to subsection (5) of KRS 304.603 has become effective, the commissioner finds that such filing does not meet the requirements of KRS 304.601 to 304.617, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of KRS 304.601 to 304.617 and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

(3) If at any time subsequent to the applicable review period provided for in subsection (1) or (2) of this section, the commissioner finds that a filing does not meet the requirements of KRS 304.601 to 304.617, he shall, after a hearing *under this Act* [held upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing,] issue an order

specifying in what respects he finds that such filing fails to meet the requirements of KRS 304.601 to 304.617, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(4) Any person or organization aggrieved with respect to any filing which is in effect may make written application to the commissioner for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commissioner shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty days after receipt of such application, *refer the matter for hearing as provided in this Act.* [hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing.] If, after such hearing, the commissioner finds that the filing does not meet the requirements of KRS 304.601 to 304.617 he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of KRS 304.601 to 304.617, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(5) No manual, minimum, class rate, rating schedule, rating plan, rating rule or any modification of any of the foregoing which has been filed pursuant to the requirements of KRS 304.603 shall be disapproved if the rates thereby produced meet the requirements of KRS 304.601 to 304.617.

Section 142. KRS 304.605 is amended to read:

(1) A corporation, an unincorporated association, a part-

nership or an individual, whether located within or outside this state, may make application to the commissioner for license as a rating organization for such kinds of insurance, or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith: (a) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business; (b) a list of its members and subscribers; (c) the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served; and (d) a statement of its qualifications as a rating organization. If the commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commissioner within sixty days of the date of its filing with him. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commissioner. The fee for said license shall be twenty-five dollars. Licenses issued pursuant to this section may be suspended or revoked by the commissioner, after hearing *as provided in this Act* upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the commissioner promptly of every change in: (a) its constitution, its articles of agreement or association, or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business; (b) its list of members and subscribers; and (c) the name and address of the resident of this state designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.

(2) Subject to rules and regulations which have been approved by the commissioner as reasonable, each rating organiza-

tion shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance, subdivision, or class of risk or a part or combination thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. Each rating organization shall furnish its rating services without discrimination to its members and subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed *as provided in this Act.* [by the commissioner at a hearing held upon at least ten days' notice to such rating organization and to such subscriber or insurer.] If the commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review *as provided in this Act* [by the commissioner] as if the application had been rejected. If the commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified he shall make an order affirming its action.

(3) No rating organization shall adopt any rule the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(4) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of KRS 304.601 to 304.617 is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of KRS 304.601 to 304.617 which are applicable to filings generally. The commissioner may review such cooperative activities and practices and if, after a hearing *under this Act,* he finds that any such activity or practice is unfair and unreasonable or otherwise inconsistent with the provisions of KRS 304.601 to 304.617, he may issue a written order

specifying in what respect such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.601 to 304.617, and requiring the discontinuance of such activity or practice.

(5) Any rating organization may provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidence of insurance, or the cancellation thereof, and may make reasonable rules governing their submission. Such rules shall contain a provision that in the event any insurer does not within sixty days furnish satisfactory evidence to the rating organization of the correction of any error or omission previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the commissioner thereof. All information so submitted for examination shall be confidential.

(6) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination.

Section 143. KRS 304.606 is amended to read:

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commissioner for permission to file a deviation from the class rates, schedules, rating plans or rules respecting any kind of insurance, or class of risk within a kind of insurance, or combination thereof. Such application shall specify the basis for the modification and a copy thereof shall also be sent simultaneously to such rating organization. The commissioner shall *refer the matter for hearing under this Act.* [set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof.] In the event the commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. In considering the application for permission to file such deviation the commissioner shall give consideration to the available statistics and the principles for rate-making as provided in KRS 304.602. The

commissioner shall issue an order permitting the deviation for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the commissioner.

Section 144. KRS 304.607 is amended to read:

Any member of or subscriber to a rating organization may appeal to the commissioner from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the commissioner shall, after a hearing *as provided in this Act* [held upon not less than ten days' written notice to the appellant and to such rating organization], issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its filings, on behalf of its members and subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order.

Section 145. KRS 304.608 is amended to read:

Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiving written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it or to the authorized representative of such insured, all pertinent information as to such rate. Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied

in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it was made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer on such request may, within thirty days after written notice of such action, appeal to the commissioner, who, *shall refer the matter for hearing as provided in this Act.* [after a hearing held upon not less than ten days' written notice to the appellant and to such rating organization or insurer, may affirm or reverse such action.]

Section 146. KRS 304.609 is amended to read:

(1) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate-making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under KRS 304.601 to 304.617, shall be known as an advisory organization.

(2) Every advisory organization shall file with the commissioner: (a) a copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its bylaws, rules and regulations governing its activities; (b) a list of its members; (c) the name and address of a resident of this state upon whom notices or orders of the commissioner or process issued at his direction may be served; and (d) an agreement that the commissioner may examine such advisory organization in accordance with the provisions of KRS 304.611.

(3) If, after a hearing *as provided in this Act,* the commissioner finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.601 to 304.617, he may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.601 to 304.617, and requiring the discontinuance of such act or practice.

(4) No insurer which makes its own filings nor any rating

organization shall support its filings by statistics or adopt rate-making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the commissioner involving such statistics or recommendations issued; under subsection (3) of this section. If the commissioner finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

Section 147. KRS 304.610 is amended to read:

(1) Every group, association or other organization of insurers which engage in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of KRS 304.601 to 304.617 and, with respect to joint reinsurance, to KRS 304.611, 304.614, 304.616, 304.018, 304.932, and 304.050.

(2) If, after a hearing *as provided in this Act,* the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.601 to 304.617, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.601 to 304.617 and requiring the discontinuance of such activity or practice.

Section 148. KRS 304.611 is amended to read:

The commissioner shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in KRS 304.605 and he may, as often as he may deem it expedient, make or cause to be made an examination of each advisory organization referred to in KRS 304.609 and of each group, association or other organization referred to in KRS 304.610. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employes of such rat-

ing organization, advisory organization, or group, association or other organization, may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. The commissioner shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group, or association that it may, within twenty days thereafter, request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection, the commissioner shall grant a hearing *under this Act* to the organization, group or association examined. The report of any such examination, when filed for public inspection, shall be admissible in evidence in any action on proceeding brought by the commissioner against the organization, group or association examined, or its officers or agents, and shall be prima facie evidence of the facts stated therein. The commissioner may withhold the report of any such examination from public inspection for such time as he may deem proper. In lieu of any such examination the commissioner may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

Section 149. KRS 304.614 is amended to read:

(1) Any insurer or rating organization aggrieved by any order or decision of the commissioner made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the commissioner for a hearing thereon. The commissioner shall *refer the matter for hearing in accordance with the provisions of this Act.* [hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing.] Within fifteen days after such hearing the commissioner shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the commissioner may suspend or postpone the effective date of his previous action.

[(2) Nothing contained in KRS 304.601 to 304.617 shall require the observance at any hearing of formal rules of pleading or evidence.]

Section 150. KRS 304.616 is amended to read:

The commissioner may suspend the license of any rating organization or insurer which fails to comply with an order of the commissioner within the time limited by such order, or any extension thereof which the commissioner may grant. The commissioner shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until such order has been affirmed. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modified, rescinded or reversed. No license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing *held in accordance with the provisions of this Act.* [held upon not less than ten days' written notice to such person or organiaztion specifying the alleged violation.]

Section 151. KRS 304.628 is amended to read:

(1) If within the waiting period or any extension thereof as provided in subsection (4) of KRS 304.627, the commissioner finds that a filing does not meet the requirements of KRS 304.625 to 304.644, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of KRS 304.625 to 304.644 and stating that such filing shall not become effective.

(2) If within thirty days after a special surety or guaranty filing subject to subsection (5) of KRS 304.627 has become effective, the commissioner finds that such filing does not meet the requirements of KRS 304.625 to 304.644, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of KRS 304.625 to 304.644 and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective.

Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

(3) If at any time subsequent to the applicable review period provided for in subsection (1) and (2) of this section, the commissioner finds that a filing does not meet the requirements of KRS 304.625 to 304.644, he shall, after a hearing held *in accordance with the provisions of this Act,* [upon not less than ten days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing,] issue an order specifying in what respects he finds that such filing fails to meet the requirements of KRS 304.625 to 304.644, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(4) Any person or organization aggrieved with respect to any filing which is in effect may make written application to the commissioner for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commissioner shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty days after receipt of such application, *refer the matter for hearing in accordance with this Act.* [hold a hearing upon not less than ten days' written notice to the applicant and to every insurer and rating organization which made such filing.] If after such hearing, the commissioner finds that the filing does not meet the requirements of KRS 304.625 to 304.644, he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of KRS 304.625 to 304.644, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(5) No manual of classifications, rules, rating plan or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, and which has been filed pursuant to the requirements of KRS 304.627, shall be disapproved if the rates thereby produced meet the requirements of KRS 304.625 to 304.644.

Section 152. KRS 304.630 is amended to read:

(1) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the commissioner for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file therewith: (a) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business; (b) a list of its members and subscribers; (c) the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served; and (d) a statement of its qualifications as a rating organization. If the commissioner finds that the applicant is competent, trustworthy and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance or subdivision thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commissioner within sixty days of the date of its filing with him. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commissioner. The fee for the license shall be twenty-five dollars. Licenses issued pursuant to this section may be suspended or revoked by the commissioner, after hearing *as provided in this Act,* [upon notice,] in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the commissioner promptly of every change in: (a) its constitution, its articles of agreement or asso-

ciation or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business; (b) its list of members and subscribers; and (c) the name and address of the resident of this state designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.

(2) Subject to rules and regulations which have been approved by the commissioner as reasonable, each rating organization shall permit any insurer, not a member, to be a subscriber to its rating services for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. Notice of proposed changes in such rules and regulations shall be given to subscribers. The reasonableness of any rule or regulation in its application to subscribers, or the refusal of any rating organization to admit an insurer as a subscriber, shall, at the request of any subscriber or any such insurer, be reviewed by the commissioner, at a hearing held *as provided in this Act.* [upon at least ten days' written notice to such rating organization and to such subscriber or insurer.] If the commissioner finds that such rule or regulation is unreasonable in its application to subscribers, he shall order that such rule or regulation shall not be applicable to subscribers. If the rating organization fails to grant or reject an insurer's application for subscribership within thirty days after it was made, the insurer may request a review by the commissioner as if the application had been rejected. If the commissioner finds that the insurer has been refused admittance to the rating organization as a subscriber without justification, he shall order the rating organization to admit the insurer as a subscriber. If he finds that the action of the rating organization was justified, he shall make an order affirming its action.

(3) No rating organization shall adopt any rule of the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by the insurers to their policyholders, members or subscribers.

(4) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other mat-

ters within the scope of KRS 304.625 to 304.644 is hereby authorized, provided the filings resulting from such cooperation are subject to all the provisions of KRS 304.625 to 304.644 which are applicable to filings generally. The commissioner may review such cooperative activities and practices and if, after a hearing *as provided in this Act,* he finds that any such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.625 to 304.644, he may issue a written order specifying in what respect such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.625 to 304.644, and requiring the discontinuance of such activity or practice.

Section 153. KRS 304.631 is amended to read:

Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commissioner for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a class of insurance which is found by the commissioner to be proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance; (1) comprised of a group of manual classifications which is treated as a separate unit for rate making purposes; or (2) for which separate expense provisions are included in the filings of the rating organization. Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization. The commissioner shall *refer the matter for hearing as provided in this Act.* [set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten days' written notice thereof.] In the event the commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The commissioner shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying

such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory. Each deviation permitted to be filed shall be effective for a period of one year from the date of such permission unless terminated sooner with the approval of the commissioner.

Section 154. KRS 304.633 is amended to read:

(1) Any member of or subscriber to a rating organization may appeal to the commissioner from the action or decision of such rating organization in approving or rejecting any proposed change in or addition to the filings of such rating organization and the commissioner shall, after a hearing *as provided in this Act,* [held upon not less than ten days' notice to the appellant and to such rating organization,] issue an order approving the action or decision of such rating organization or directing it to give further consideration to such proposal, or, if such appeal is from the action or decision of the rating organization in rejecting a proposed addition to its filings, he may, in the event he finds that such action or decision was unreasonable, issue an order directing the rating organization to make an addition to its findings, on behalf of its members and subscribers, in a manner consistent with his findings, within a reasonable time after the issuance of such order.

(2) If such appeal is based upon the failure of the rating organization to make a filing on behalf of such member or subscriber which is based on a system of expense provisions, which differs, in accordance with the right granted in paragraph (b) of subsection (1) of KRS 304.626, from the system of expense provisions included in a filing made by the rating organization, the commissioner shall, *after the hearing,* [if he grants the appeal,] order the rating organization to make the requested filing for use by the appellant. In deciding such appeal the commissioner shall apply the standards set forth in KRS 304.626.

Section 155. KRS 304.634 is amended to read:

(1) Every rating organization and every insurer which makes its own rates shall, within a reasonable time after receiv-

ing written request therefor and upon payment of such reasonable charge as it may make, furnish to any insured affected by a rate made by it, or to the authorized representative of such insured, all pertinent information as to such rate.

(2) Every rating organization and every insurer which makes its own rates shall provide within this state reasonable means whereby any person aggrieved by the application of its rating system may be heard, in person or by his authorized representative, on his written request to review the manner in which such rating system has been applied in connection with the insurance afforded him. If the rating organization or insurer fails to grant or reject such request within thirty days after it is made, the applicant may proceed in the same manner as if his application had been rejected. Any party affected by the action of such rating organization or such insurer or such request may, within thirty days after written notice of such action, appeal to the commissioner, who, after a hearing held *as provided in this Act* [upon not less than ten days' written notice to the appellant and to such rating organization or insurer], may affirm or reverse such action.

Section 156. KRS 304.636 is amended to read:

(1) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate-making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under KRS 304.625 to 304.644, shall be known as an advisory organization.

(2) Every advisory organization shall file with the commissioner; (a) A copy of its constitution, its articles of agreement or association or its certificate of incorporation and of its bylaws, rules and regulations governing its activities; (b) a list of its members; (c) the name and address of a resident of this state upon whom notices or orders of the commissioner or process issued at his direction may be served; and (d) an agreement that the commissioner may examine such advisory organization in accordance with the provisions of KRS 304.638.

(3) If, after a hearing *in accordance with the provisions of this Act,* the commissioner finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304. 625 to 304:644, he may issue a written order specifying in what respect such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.625 to 304.644, and requiring the discontinuance of such act or practice.

(4) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organiation which has not complied with this section or with an order of the commissioner involving such statistics or recommendations issued under subsection (3) of this section. If the commissioner finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

Section 157. KRS 304.637 is amended to read:

(1) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however with respect to joint underwriting, to all other provisions of KRS 304.625 to 304.644, and, with respect to joint reinsurance, to KRS 304.638, 304.642 and 304.643.

(2) If, after a hearing *as provided in this Act* the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.625 to 304.644, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of KRS 304.625 to 304.644, and requiring the discontinunance of such activity or practice.

Section 158. KRS 304.638 is amended to read:

The commissioner shall, at least once in five years, make or cause to be made an examination of each rating organization licensed in this state as provided in KRS 304.630, and he may,

as often as he may deem it expedient, make or cause to be made an examination of each advisory organization referred to in KRS 304.636 and of each group, association or other organization referred to in KRS 304.637. The reasonable costs of any such examination shall be paid by the rating organization, advisory organization, or group, association or other organization examined upon presentation to it of a detailed account of such costs. The officers, manager, agents and employes of such rating organization, advisory organization, or group, association or other organization may be examined at any time under oath and shall exhibit all books, records, accounts, documents, or agreements governing its method of operation. The commissioner shall furnish two copies of the examination report to the organization, group or association examined and shall notify such organization, group or association that it may within twenty days thereafter request a hearing on said report or on any facts or recommendations therein. Before filing any such report for public inspection, the commissioner shall grant a hearing *under this Act* to the organization, group or association examined. The report of any such examination, when filed for public inspection shall be admissible in evidence in any action or proceeding brought by the commissioner against the organization, group or association examined, or its officers or agents, and shall be prima facie evidence of the facts stated therein. The commissioner may withhold the report of any such examination from public inspection for such time as he may deem proper. In lieu of any such examination the commissioner may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

Section 159. KRS 304.642 is amended to read:

(1) Any insurer or rating organization aggrieved by any order or decision of the commissioner made without a hearing, may, within thirty days after notice of the order to the insurer or organization, make written request to the commissioner for a hearing thereon. The commissioner shall *refer the matter for hearing.* [hear such party or parties within twenty days after receipt of such request and shall give not less than ten days' written notice of the time and place of the hearing.] Within

fifteen days' after such hearing the commissioner shall affirm, reverse or modify his previous action, specifying his reasons therefor. Pending such hearing and decision thereon the commissioner may suspend or postpone the effective date of his previous action.

[(2) Nothing contained in KRS 304.625 to 304.644 shall require the observance at any hearing of formal rules of pleading or evidence.]

Section 160. KRS 304.643 is amended to read:

The commissioner may suspend the license of any rating organization or insurer which fails to comply with an order of the commissioner within the time limited by such order, or any extension thereof which the commissioner may grant. The commissioner shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or, if an appeal has been taken, until such order has been affirmed. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds such suspension, or until the order upon which such suspension is based is modofied, rescinded or reversed. No license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held *as provided in this Act.* [upon not less than ten days' written notice to such person or organization specifying the alleged violation.]

Section 161. KRS 304.657 is amended to read:

(1) No basic insurance policy form other than surety bond forms, or application form where written application is required and is to be made part of the policy, or printed life or disability rider or endorsement form shall be issued, delivered, or used unless it has been filed with and approved by the commissioner. This section shall not apply to policies, riders or endorsements of unique character designed for and used with relation to insurance upon a particular subject, or which relate to the manner of distribution of benefits or to the reservation of rights and bene-

fits under life or disability insurance policies, and which are used at the request of the individual policyholder, contract holder or certificate holder.

(2) Every such filing shall be made not less than thirty days in advance of any such issuance, delivery, or use. At the expiration of such thirty days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner. The commissioner may extend by not more than an additional thirty days the period within which he may so affirmatively approve or disapprove any such form, by giving notice of such extension before expiration of the initial thirty-day period. At the expiration of any such period as so extended, and in the absence of such prior affirmative approval or disapproval, any such form shall be deemed approved. Approval of any such form by the commissioner shall constitute a waiver of any unexpired portion of such initial thirty-day waiting period.

(3) The commissioner's order disapproving any such form shall state the grounds therefor. The commissioner may, for cause after a hearing *under this Act,* withdraw a previous approval.

(4) No such form shall knowingly be so issued or delivered as to which the commissioner's approval does not then exist.

(5) The commissioner may, by order, exempt from the requirements of this section for so long as he deems proper, any insurance document or form or type thereof as specified in such order, to which in his opinion this section may not practicably be applied, or the filing and approval of which are, in his opinion, not desirable or necessary for the protection of the public.

Section 162. KRS 304.944 is amended to read:

(1) If, after a hearing *as provided in this Act,* [thereon of which notice of such hearing and of the charges against him were given such person] the commissioner finds that any person in this state has engaged or is engaging in any act or practice defined in or prohibited under KRS 304.924 to 304.945, the commissioner shall order such person to desist from such acts or practices.

(2) Such desist order shall become final upon expiration of the time allowed for appeals from the commissioner's orders, if no such appeal is taken, or, in event of such an appeal, upon final decision of the court if the court affirms the commissioner's order or dismisses the appeal. [An intervenor in such hearing shall have the right to appeal as provided in subsection (3) KRS 304.945.]

(3) In event of such an appeal, to the extent that the commissioner's order is affirmed the court shall issue its own order commanding obedience to the terms of the commissioner's order.

(4) No order of the commissioner pursuant to this section or order of court to enforce it shall in any way relieve or absolve any person affected by such order from any other liability, penalty, or forfeiture under law.

Section 163. KRS 304.945 is amended to read:

(1) If the commissioner believes that any person engaged in the insurance business is engaging in this state in any method of competition or in any act or practice in the conduct of such business which is not defined in KRS 304.924 to 304.945 but that such method of competition is unfair or that such act or practice is unfair or deceptive and that a proceeding by him in respect thereto would be in the public interest, he shall, after a hearing *as provided in this Act* [of which notice of the hearing and of the charges against him are given such person], make a written report of his findings of fact relative to such charges and serve a copy thereof upon such person and any intervenor at the hearing.

(2) If such report charges a violation of KRS 304.924 to 304.945 and if such method of competition, act or practice has not been discontinued, the commissioner may, through the Attorney-General, at any time after the service of such report, cause an action to be instituted to enjoin and restrain such person from engaging in such method, act, or practice. In such action the court may grant a restraining order or injunction upon such terms as may be just; but the people of this Commonwealth shall not be required to give security before the issuance of any such order or injunction. If a stenographic record of the proceedings

in the hearing [before the commissioner] was made, a certified transcript thereof including all evidence taken and the report and findings shall be received in evidence in such action.

(3) If the commissioner's report made pursuant to subsection (1) of this section or order on hearing made pursuant to KRS 304.944 does not charge a violation of KRS 304.924 to 304.945, then any intervenor in the proceedings may appeal therefrom within the time and in the manner provided in this code for appeals from the commissioner generally.

Section 164. KRS 304.952 is amended to read:

(1) Subject to the provisions of KRS 304.144, relating to the mutualization of stock insurers, KRS 304.192, relating to the conversion or reinsurance of mutual insurers, and KRS 304.310, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the Commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing *as provided in this Act*, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing.

(c) No director, officer, member, or subscribers of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations, except that, as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and pro-

cedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section.

Section 165. KRS 311.490 is amended to read:

(1) A suspension or revocation of a license, or a refusal to renew a license, may be made by the board only after a hearing *as provided in this Act.* [of which the accused has been given adequate notice. At the hearing, the board and the accused shall have the benefit of counsel.

(2) The board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued over the signature of the president of the board and in the name of the state.]

*(2)* [(3)] Proceedings for the suspension or revocation of a license may be instituted by any individual, or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board.

*(3)* [(4)] The board may institute, in its own name, proceedings to temporarily or permanently restrain and enjoin violations of KRS 311.380 to 311.510, regardless of whether the defendant has been convicted for violations of the penal provisions thereof, and shall not be required to pay any cost or filing fees or furnish any bond in connection therewith. Violations of injunctions and restraining orders shall be punished as a contempt without the intervention of a jury.

Section 166. KRS 311.510 is amended to read:

[A licensee whose license has been revoked or suspended by the board, or who has been refused a renewal license, may, within thirty days of the entry of the order, appeal to the circuit court of the county in which the hearing was held.] *Any* [The] person taking *an* [the] appeal shall serve upon the board a written notice of the appeal, and shall file with the board an appeal

bond with good and sufficient surety, to be approved by the president of the board, conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. [The board, within ten days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the court a certified copy, under the seal of the board, of the accusations on which the ruling of the board was based and the ground for appeal, together with the notice and bond of appeal. The clerk shall then docket the case, and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action.] The order appealed from shall be stayed from the date of the approval of the bond until final determination of the appeal.

Section 167. KRS 311.565 is amended to read:

(1) Subject to the provisions of KRS 311.550 to 311.620, the board shall exercise all of the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and ostepathy. The board is authorized to issue reasonable rules and regulations establishing requirements, standards and tests to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applications for licenses and permits to practice medicine and osteopathy, and to issue, deny, suspend and revoke licenses, and to place licensees on probation, in compliance with the provisions of KRS 311.550 to 311.620, so as to carry out the legislative policy declared in KRS 311.555.

(2) The board is authorized in its sound discretion to:

(a) Appoint one or more assistant secretaries, who need not be members of the board, and fix their compensation. Each assistant secretary shall be under the supervision and control of the secertary and shall be authorized to discharge the duties of the secretary as provided by KRS 311.550 to 311.620.

[(b) Appoint one or more hearing officers, who need not be members of the board, and fix their compensation. Every such hearing officer shall be vested with the full and complete power and authority of the board to schedule and conduct hearings

on behalf of and in the name of the board on all matters referred for hearing by the board or secretary thereof, including, among other things, proceedings for placing licensees on probation and for suspension and revocation of licenses, and shall cause to be prepared and furnished to the board, for decision thereon by the board, a complete written transcript of the record of the hearing which shall contain all evidence introduced at the hearing and all pleas, motions and objections and all rulings of the hearing officer. Every such hearing officer shall be authorized to administer oaths and issue summonses, notices and subpoenas, but shall not be empowered to place any licensee on probation or to issue, refuse, suspend or revoke any license.]

*(b)* [(c)] Promulgate, in the manner prescribed by subsection (4) of KRS 311.600, a code of conduct governing the practice of medicine and osteopathy, which shall be based upon generally recognized principles of professional ethical conduct.

*(c)* [(d)] Utilize gratuitous services and facilities of professional organizations, and procure and receive the assistance and recommendations of said organizations in administering KRS 311.550 to 311.620.

*(d)* [(e)] Make its personnel and facilities available to other regulatory boards, commissions and agencies of this state upon such terms and conditions for reimbursement as may be mutually agreed to by and between the board and such other board, commission or agency.

*(e)* [(f)] Enter into reciprocal agreements with medical examining boards of other states, having qualifications and standards at least as high as those of this state, providing for reciprocal licensure without further examination of persons who have been duly licensed upon written examination. Approval of such agreements by the Governor, or any other officer or agency of this state, shall not be required.

*(f)* [(g)] Issue regular licenses by reciprocity or endorsement, and without further examination, to persons who have been duly licensed upon written examination in another state having qualifications and standards at least as high as those of

this state, or who have successfully passed an examination conducted by the National Board of Medical Examiners.

*(g)* [(h)] Issue and renew, or refuse to issue or renew, or cancel and terminate limited licenses pursuant to rules and regulations prescribed by the board.

*(h)* [(i)] Appoint examiners, who need not be members of the board, and employ or contract with the American Public Health Association or the National Board of Medical Examiners or other organizations, agencies or individuals to prepare examination questions and grade examination papers.

*(i)* [(j)] Determine the schools, colleges, universities, institutions, and training acceptable in connection with licensure under KRS 311.550 to 311.620.

*(j)* [(k)] Prescribe the time, place, method, manner, scope and subjects of examinations; provided, however, that at least two examinations shall be held annually.

*(k)* [(l)] Prescribe all forms which it considers appropriate, and require the submission of photographs, fingerprints, and personal history data.

*(l)* [(m)] Prescribe and collect, subject to the maximums set out herein, reasonable fees and charges for examinations and issuance of licenses and permits. The maximum fees and charges shall be as follows:

| | |
|---|---|
| Admission to any complete examination, including regular or limited license issued pursuant thereto | $ 50.00 |
| Application for licensure by recriprocity or endorsement | 100.00 |
| Certifying a licentiate of this state to the licensing agency of another state | 10.00 |
| Each renewal of a limited license | 50.00 |
| Temporary permit issued by secretary | 25.00 |
| Duplicate license certificate | 10.00 |

Section 168. KRS 311.570 is amended to read:

(1) No person shall be eligible for a regular license under KRS 311.550 to 311.620, unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States of America, (d) graduated from an accredited high school or its equivalent and satisfactorily completed and graduated from a four-year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the board during the entire period of attendance thereat, (e) satisfactorily completed at least one year internship in an institution approved by the board, and (f) possessing all of the other qualifications that may be prescribed by rules and regulations of the board. Provided, however, that the foregoing shall not be construed to prohibit the board from issuing a regular license to persons who have attended medical or osteopathic schools or colleges situated outside the United States or Canada if such schools or colleges are approved by the board and if the applicant has successfully completed at least five years training in the United States in a hospital or other institution approved by the board and has also successfully passed a regular examination conducted by the National Board of Medical Examiners.

(2) Subject to the exceptions set out herein, no person who possesses the qualifications set out in (a), (b) and (c) of subsection (1) of this section, and who has been graduated from an accredited high school, has satisfactorily completed a premedical course of instruction of at least two years in an accredited college or university, has satisfactorily completed and been graduated from a four-year course of instruction in a medical or osteopathic school or college situated in the United States or Canada and approved by the American Medical Association or the American Osteopathic Association during the entire period of attendance thereat, and who has completed an internship of one year in a hospital approved for such training by the same associations, shall be denied admission to the examination in this state for a regular license, upon payment of the prescribed fee. However, the board may deny admission to the examination or refuse to issue a license upon successful passage of the examination upon proof that a person: (a) has been convicted for violating any state or federal narcotic or barbiturate law,

(b) has had his license suspended or revoked in some other state, (c) has been convicted of a felony, (d) is emotionally unstable, (e) has been adjudged to be of unsound mind, (f) has violated KRS 311.585, or (g) has engaged in any acts or conduct that would constitute grounds for suspension or revocation of a license under KRS 311.550 to 311.620.

(3) No person shall be eligible for a limited license unless (a) at least twenty-one years of age, (b) of good moral character, (c) a citizen of the United States, or has filed with a United States District Court "first papers" for United States citizenship, (d) actually residing in Kentucky at the time of making application or expressing in writing an intention to become an actual resident of this state after issuance of the limited license, (e) has been graduated from an accredited high school or its equivalent and completed a premedical course of instruction of at least two years in an accredited college or university and has satisfactorily completed and been graduated from a four-year course of instruction in a medical school approved by the board for limited licenses, and (f) possesses all the other qualifications and education that may be prescribed by rules and regulations of the board.

(4) Except as provided by subsection (2) (g) of KRS 311.565 no license shall be issued except upon the successful passage of an examination as prescribed by the board. All applicants for a regular license must take the same general examination, and in addition, osteopathic applicants shall take an examination in osteopathic principles and practice.

(5) No person shall be deemed to have successfully passed an examination in this state unless he makes an average grade of at least seventy-five in all subjects prescribed by the board, and a grade of at least sixty-five in each subject.

(6) All examination papers shall be preserved for one year.

(7) No license shall be issued, refused, suspended or revoked by the board, nor shall any licensee be placed on probation, except in compliance with KRS 311.550 to 311.620 and the rules and regulations promulgated thereunder by the board and

filed [with the Secretary of State of this Commonwealth] pursuant to KRS Chapter 13.

Section 169. KRS 311.595 is amended to read:

(1) Where such power has not been transferred by statute to some other board, commission or agency of this state, the board may place a licensee on probation for a period not to exceed two years, or may suspend a license for a period not to exceed two years, or may revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

(a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent or forged statement, writing, certificate, diploma or other thing, in connection with an application for a license or permit;

(b) Practiced, or aided or abetted in the practice of, fraud, forgery, deception, collusion or conspiracy in connection with an examination for a license;

(c) Committed an unlawful abortion;

(d) Been convicted of a felony involving moral turpitude;

(e) Become addicted to a drug habit;

(f) Become a chronic or persistent alcoholic;

(g) Developed such physical or mental disability, or other condition, that continued practice is dangerous to patients or to the public;

(h) Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(i) Knowingly made, or caused to be made or aided or abetted in the making of, a false statement in any birth, death, premarital, or other certificate or document executed in connection with the practice of his profession;

(j) Employed, as a practitioner of medicine or osteopathy, in the practice of his profession in this state, any person not duly licensed; or otherwise aided, assisted or abetted the unlawful

practice of medicine or osteopathy or any other healing art;

(k) Violated the code of conduct promulgated by the board under subsection (4) of KRS 311.600;

(l) Violated any order of suspension, or the terms or conditions of any order of probation, issued by the board.

(2) In every proceeding for probation, suspension or revocation of a license, the secretary shall furnish the licensee with written notice setting out the substance of each offense charged, with sufficient detail to reasonably appraise such person of the nature, time and place thereof. Proceedings and forms shall be in accordance with rules and regulations of the board, and hearings *shall be conducted in accordance with the provisions of this Act.* [may be conducted by hearing officers of the board as provided in subsection (2)(b) of KRS 311.565, but no hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the license, who shall have the right to be present, in person or by counsel, and to present evidence and to be heard in opposition to the charges which may be instituted by any individual or organization, or by the board acting upon its own initiative or by the secretary on behalf of the board.] Preliminary to the institution of any such proceeding, the secretary may refer the charge or charges to the state organization which represents the profession to which the holder of the license belongs for investigation and recommendations as to adjustment, settlement or disciplinary action, and such professional organization may assist in the prosecution or defense of any such proceedings before the board, which shall not be bound to follow its recommendations.

(3) Except as otherwise provided in this subsection, every order of the board suspending or revoking a license shall become effective thirty days after notice is given to the licensee unless said licensee, within thirty days from the giving of such notice, appeals therefrom in the manner provided *by this Act.* [by subsection (4) of this section.] Provided, however, that the board may, when in its opinion the continued practice by the licensee during the time allowed for appeal would be dangerous to the health, welfare and safety of the licensee's patients or the general public, provide in its order of suspension or revocation that said

order shall become effective forthwith; in such event the board order of suspension or revocation shall become effective as of the date specified therein, and the licensee shall not, after notice of same, engage or continue to engage in any practice under the license after such revocation or during such period of suspension, unless and until the board order is reversed or modified by a final and unappealable order or judgment of a court. [made pursuant to the provisions of subsection (4) of this section.]

[(4) Any licensee who is aggrieved by an order of the board placing the licensee on probation, or suspending or revoking his license may procure a declaration of rights under the Declaratory Judgment Act by filing, within thirty days after notice of said board order, a petition in equity against the board in the circuit court of Jefferson County, Kentucky, together with a bond with good and sufficient sureties thereon to cover all costs, which petition shall request judicial review of the board order and proceedings held by the board, or its hearing officer, and set out with particularity the alleged grounds relied upon for reversal or modification of the board order. Summons and a copy of the petition may be served upon the secretary for and on behalf of the board, and the secretary shall, within thirty days after such service and the filing of said bond, file with the court a transcript of the record of hearing together with a certified copy of the board order complained of. The board may file an answer, or such other pleadings as it considers appropriate, and the court shall, after considering the transcript of record and the board order and any arguments of counsel, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the board is not sustained the court shall, upon request of the board, remand the case to the board for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the Jefferson circuit court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act.]

*(4)* [(5)] Whenever an order of the board suspending or revoking a license becomes effective, as provided in subsec-

tion (3) of this section, the secretary shall, on behalf of the board, give written notice thereof to the county court clerk of each county in which the license is registered and such clerk shall thereupon mark, on the page of the medical register where the license is registered, that it has been suspended, for the period indicated, or revoked, in accordance with the notice. In the event the license is subsequently reinstated by the board, or in the event the board's order of suspension or revocation is subsequently reversed or modified by a final and unappealable judgment of court made pursuant to the provisions of *this Act,* [subsection (4) of this section,] the secretary shall, on behalf of the board, so notify such county court clerk who shall thereupon mark the medical register accordingly.

[(6) Any notice that is required to be given to a licensee by the board, or by its secretary or hearing officer, which is given by forwarding same by registered United States mail, postage prepaid, to the licensee at his last known address as it appears in the files of the board or the Department of Health shall be sufficient.

(7) All members of the board, and its secretary and hearing officer, have authority to administer oaths and to issue, in the name of the board, complaints, notices, summonses, subpoenas and other process, in connection with any charge, proceeding or hearing relating to probation, suspension or revocation.

(8) The board may compel the attendance of witnesses at hearings in connection with probation, suspension or revocation proceedings, and circuit and county courts are, upon petition of the board or its hearing officer, authorized and empowered to punish as contempt all failures to obey subpoenas and other process provided in subsection (7) of this section and all contemptuous or contumacious conduct directed to the board or its hearing officer in the course of hearings relating to probation, suspension or revocation.]

Section 170. KRS 311.600 is amended to read:

(1) The board shall adopt, and file with the Legislative Research Commission pursuant to KRS Chapter 13, rules and reg-

ulations that effectuate and implement, but are not inconsistent with, the provisions of KRS 311.550 to 311.620. The rules and regulations shall cover, among other things, the qualifications, standard, fees, examinations, schools, forms, and procedures prescribed by the board in connection with examination and licensure in this state, and the forms and procedures prescribed by the board in connection with probation, suspension and revocation, and also a code of conduct prescribed by the board.

(2) Thereafter, the board shall file with the Legislative Research Commission, pursuant to KRS Chapter 13, any and all amendments, changes and modifications to its rules and regulations, and any and all other rules and regulations, within thirty days after such amendments, changes or modifications are adopted by the board.

(3) At least once every two years the board shall compile the Kentucky medical practice laws, and all rules and regulations promulgated by the board thereunder, and cause copies thereof to be furnished to licensing agencies of all other states and to all medical schools in the United States or Canada approved by the American Medical Association, and to all osteopathic schools in the United States and Canada approved by the American Osteopathic Association, and to all persons who are licensed to practice medicine or osteopathy in Kentucky. Copies of the compilation shall be available to the general public upon request.

(4) The board shall, prior to promulgating a code of conduct, or any amendment, change or modification thereto, notify all licensees in writing of the proposed action and hold a hearing or hearings thereon *as provided in this Act.* [at the offices of the board in Louisville, Jefferson County, Kentucky. Upon the filing with the Legislative Research Commission, of any code of conduct, or amendment, change or modification thereto, the board shall notify in writing all licensees as to the date of adoption and filing of same. Any licensee who is aggrieved thereby may, within thirty days from the filing of same with the Legislative Research Commission as provided herein, procure a declaration of rights by filing, under the Declaratory Judgment Act, a petition in equity against the board in the circuit court of Jefferson

County, Kentucky, and, upon his failure to do so, he shall thereafter be forever barred from instituting or maintaining an action attacking or questioning the validity of the code. Any party to such case who is aggrieved by the final judgment, order or decree of the Jefferson Circuit Court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided by the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act. No person shall be heard to complain concerning any provision of the code of conduct that was in force and effect at the time he was licensed in this state. Any notice required by this subsection to be given by the board may be effected by publication pursuant to KRS Chapter 424 or by publication in any official periodical issue and circulated in this state by the Kentucky State Medical Association and the Kentucky Osteopathic Medical Association.]

Section 171. KRS 312.150 is amended to read:

(1) Charges may be preferred by the board against the holder of a license to practice chiropractic in this state on any of the following grounds:

(a) That fraud or deceit was used in securing such license;

(b) That the licensee no longer possesses a good moral character;

(c) That the licensee has been convicted of a violation of any law involving moral turpitude;

(d) That the licensee solicits patients through an agent;

(e) That the licensee is addicted to the use of narcotic drugs;

(f) That the licensee is in any way guilty of any deception, misrepresentation or fraud in the practice of chiropractic.

(2) Upon receipt and due consideration of such charges the board upon an affirmative vote of two of its members may suspend the license of a person against whom such charges have been preferred. Immediately, but not more than ten days after such suspension, the holder of such license so suspended shall

be notified thereof in writing and shall be furnished a copy of said charges and notified in writing of the time and place for the hearing of said charges by the board, which hearing shall be *conducted under the provisions of this Act.* [within twenty days from the date of the suspension. Further time may be granted by the board for the hearing upon application of the person suspended as shown from the files of the board, which shall be construed as sufficient notice to such person of the suspension of his license, and of the time and place of the hearing by said board of the charges so preferred. The board may hold special meetings for the hearing of such charges.]

Section 172. KRS 313.150 is amended to read:

Proceedings to revoke or suspend a license may be taken by the board from the matters within its knowledge or upon the information of another. If the informant is a member of the board, the other members shall constitute the board for the purpose of judging the accused. Every accusation shall be in writing, verified by some person familiar with the facts charged in it. Three copies shall be filed with the secretary-treasurer of the board. Upon receiving the accusation the board shall, if it considers it sufficient, make an order setting the accusation for hearing *in accordance with the provisions of this Act.* [at a specified time and place, and requiring the accused to appear and answer it. The secretary-treasurer shall cause a copy of the order and accusation to be served upon the accused at least ten days before the day appointed in the order for the hearing.]

Section 173. KRS 313.330 is amended to read:

(1) The board may, upon complaint or upon its own motion, after a hearing *as provided in this Act,* and after ten days' notice, in writing, to the licensee of the time and place of hearing, revoke or suspend or refuse to renew the license of any dental hygienist by entering an order to that effect, together with its findings in respect thereto, if it shall be determined that such licensee:

(a) Has violated any of the provisions of KRS 313.260 to 313.350 or any regulation made thereunder; or

(b) Has made a material false statement in his application for examination; or

(c) No longer possess good moral character; or

(d) Directly or indirectly advertises or solicits for dental hygiene business; or

(e) Is grossly inefficient in his profession.

(2) In any proceeding to revoke, suspend or refuse to renew the license of any licensee a certified copy of any order entered by the board shall immediately be delivered or sent to the licensee by registered mail at his last known address.

Section 174. KRS 313.460 is amended to read:

The board may suspend or revoke any specialty license upon any grounds set out in KRS 313.130, and the procedure for said suspension or revocation shall be *in accordance with the provisions of this Act.* [the same as provided in KRS 313.150 to 313.180 for the revocation or suspension of a regular license to practice dentistry.]

Section 175. KRS 314.091 is amended to read:

(1) The board shall have power to deny, revoke, probate or suspend any license to practice nursing issued by the board or applied for in accordance with KRS 314.011 to 314.191 and 314.991, or to otherwise discipline a licensee upon proof that the person: is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; or is guilty of a crime or gross immorality; or is unfit or incompetent by reason of negligence, habits or other causes; or is habitually intemperate or is addicted to the use of habit-forming drugs; or is mentally incompetent; or is guilty of unprofessional conduct; or has willfully or repeatedly violated any of the provisions of KRS 314.011 to 314.191 and 314.991.

(2) In all proceedings for suspension or revocation of the license of a registered or practical nurse, the licensee shall be furnished with a copy of the charges and shall be given *a hearing as provided in this Act.* [at least thirty days to prepare defense. The person charged shall be heard by the board in person

or by counsel or both, as may be desired. The presiding officer of the board may administer the oath in any matter arising in the course of duties. In the hearing the board may take oral or written proof for or against the aggrieved person.]

Section 176. KRS 314.111 is amended to read:

(1) An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that it is prepared to carry out the minimum prescribed basic curriculum in nursing and that it is prepared to fulfill other requirements of standards which are established by KRS 314.011 to 314.191 and 314.991 and the duly adopted regulations of the board. No person shall operate a nursing education program or school of nursing without complying with the provisions of this section.

(2) A survey of the institution and its proposed education program shall be made by the executive director or an authorized employe of the board who shall submit a written report of the survey to the board. If in the opinion of the board the requirements for an accredited nursing education program or school of nursing are met it shall accredit the school.

(3) Periodic surveys of all schools of nursing shall be made under the supervision of the board. Written reports of such surveys shall be submitted to the board. If the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying their deficiencies shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within reasonable time shall be discontinued after hearing *as provided in this Act.*

Section 177. KRS 315.131 is amended to read:

(1) In every proceeding for probation, suspension or revocation of a license or a permit issued pursuant to this chapter, the secretary of the board shall furnish the licensee or permittee with written notice setting out the substance of each offense charged with sufficient detail to reasonably apprise such person of the nature, time and place thereof. The hearing *shall be conducted as provided in this Act.* [may be conducted by the board

or by a hearing officer appointed by the board. The respondent shall be given at least thirty days prior written notice thereof, who shall have the right to be present in person or by counsel and to present evidence and to be heard in opposition to the charges. Upon failure of the licensee or permittee to respond to the complaint at or before the time of the hearing thereon, the allegations set forth in the complaint shall be taken by the board as confessed.

(2) The board or the hearing officer appointed by it shall have the authority to issue subpoenas for the attendance of witnesses and the production of papers and records, administer oaths and schedule hearings. All decisions revoking or suspending a license or permit or placing a licensee or permittee on probation shall be made by the board.]

*(2)* [(3)] Except as otherwise provided in this subsection, every order of the board suspending or revoking a license or permit shall become effective thirty days after notice is given to the licensee or permittee; provided however, that the board may when in its opinion the continued practice of the licensee or the continued operation of the permittee would be dangerous to the health, welfare and safety of the general public, proclaim in its order of suspension or revocation that said order shall become effective forthwith; in such event that board's order of suspension or revocation shall become effective as of the date specified therein and the licensee or the permittee shall not, after notice of same, engage or continue to engage in any practice or operation under the license or permit issued unless the board's order is revoked or modified by a final unappealable order or judgment.

[(4) A licensee or permittee aggrieved by an order of the board suspending or revoking a license or permit may within thirty days after notice thereof appeal thereupon to the circuit court of the county in which the licensee or permittee conducts his practice or place of business. The appeal shall be determined by the court upon the certified record and no new or additional evidence shall be heard or considered by the court.

(5) Either party aggrieved by a final order entered by the circuit court may appeal to the court of appeals as in a civil action.]

Section 178. KRS 315.191 is amended to read:

The board is authorized to:

(1) Issue reasonable rules and regulations establishing requirements, standards and tests to determine the moral, physical, intellectual, educational, scientific, technical and professional qualifications of applicants for license to practice pharmacy and to issue, deny, suspend and revoke license, and to place licensees on probation.

(2) Adopt rules and regulations necessary to regulate and control all matters set forth in this chapter relating to pharmacists and pharmacies, to the extent that regulation and control of same have not been delegated to some other agency of the Commonwealth; provided, however, that such rules and regulations relating to drugs shall be limited to the regulation and control of drugs sold by prescription. However, nothing contained in this chapter shall be construed as authorizing the board to adopt any rules or regulations relating to prices or fees or to advertising or the promotion of the sales or use of commodities or services.

(3) *Refer for hearing under the provisions of this Act* [Schedule and conduct hearings or to appoint hearing officers to schedule and conduct hearings on behalf of the board on] any matter under the jurisdiction of the board *in which a hearing is indicated.*

(4) Prescribe the time, place, method, manner, scope and subjects of examinations, provided however that at least two examinations shall be held annually.

(5) Employ whatever assistance it considers necessary.

(6) Investigate all complaints or violations of the State Pharmacy Laws and bring all such cases to the notice of the proper law enforcement authorities.

(7) Keep a book of registration in which shall be entered the name and place of business of every licensed pharmacist and assistant pharmacist.

(8) Make bylaws for the proper execution of its duties.

(9) Perform all other functions necessary to carry out the provisions of law and the rules and regulations adopted by the board relating to pharmacists and pharmacies.

Section 179. KRS 316.150 is amended to read:

[(1)] The board may, *as provided in this Act* [upon sufficient proof submitted to them by sworn statements or testimony,] refuse to issue, refuse to renew, or may revoke or suspend, the license of any licensed Kentucky embalmer or funeral director for any of the following causes:

(a) Conviction for violation of the requirements of this chapter; conviction of a felony, or any misdemeanor resulting in imprisonment or a fine of more than five hundred dollars;

(b) The payment or offering to pay, directly or indirectly, of any consideration of value to secure a funeral, prior to death or after death of any individual, or allowing any person in his employ or a member of his immediate family to pay anything of value to secure a funeral;

(c) The solicitation of business in any way by offering or giving any service which is not a normal function of a licensed funeral director or embalmer in a regular service;

(d) Permitting any person who is not a licensed embalmer or funeral director, holding Kentucky license in full force and effect, to perform any service pertaining to embalming or funeral directing required by law of a licensed embalmer or funeral director, from the time of death until interment;

(e) For assisting any applicant for funeral director's or embalmer's license to obtain the license by misrepresentation or fraud either in making application for apprenticeship, registration for apprenticeship, or during the period of serving apprenticeship, or in taking or passing the examination for embalmer's or funeral director's license;

(f) For the operation of a branch establishment without a licensed embalmer and funeral director in complete charge who devotes his or their sole time to the management and affairs of the branch establishment and who is subject to call at all

times in the section where the branch is located. The branch manager must be a licensed embalmer and a licensed funeral director with his license in full force and effect in Kentucky.

[(2) For the purposes of taking testimony under this section, and for the purposes of any other section of this chapter, each member of the board, and the secretary thereof, is hereby endowed with the authority to administer oaths in the same manner as a clerk of a court of record. The board, or any member thereof, may subpoena licenses or other witnesses to appear before it.]

Section 180. KRS 317.460 is amended to read:

(1) The barber board shall hold hearings *as provided in this Act*, upon the request of any person directly affected by the board's decision to refuse to renew a license or to deny or revoke a license and no license renewal shall be denied nor shall a license be revoked unless the board in advance shall have given the licensee twenty days written notice of the revocation or refusal to renew stating the grounds therefor.

[(2) Hearings conducted by the board shall afford reasonable opportunity for the complainant to be present and represented by counsel, to examine and to cross-examine any witness and produce any competent and relevant proof though the board need not follow strict rules of evidence in the conduct of such hearings.

(3) Rulings of the barber board as a result of any hearing may be appealed to the Franklin Circuit Court by filing with said court within thirty days from date of entry of the order a certified copy of the ruling or order of the board. The court shall not set aside any ruling or order of the barber board if there was any competent evidence before the board to justify the ruling or order.

(4) The board is authorized to issue subpoenas for the attendance of witnesses and the production of such records and documents as may be reasonably necessary in the conduct of any hearing.]

Section 181. KRS 317.520 is amended to read:

(1) The cosmetologist board shall hold hearings *as provided in this Act* upon the request of any person directly affected by the board's decision to refuse to renew a license or to deny or revoke a license and no license renewal shall be denied nor shall a license be revoked unless the board in advance shall have given the licensee twenty days written notice of the revocation or refusal to renew stating the grounds therefor.

[(2) Hearings conducted by the board shall afford reasonable opportunity for the complainant to be present and represented by counsel, to examine and to cross-examine any witnesses and produce any competent and relevant proof though the board need not follow strict rules of evidence in the conduct of such hearings.

(3) Rulings of the board as a result of any hearing may be appealed to the Franklin Circuit Court by filing with said court within thirty days from date of entry of the order a certified copy of the ruling or order of the board. The court shall not set aside any ruling or order of the board if there was any competent evidence before the board to justify the ruling or order.

(4) The board is authorized to issue subpoenas for the attendance of witnesses and the production of such records and documents as may be reasonably necessary in the conduct of any hearing.]

Section 182. KRS 318.066 is amended to read:

(1) No license shall be suspended or revoked by the department unless a hearing *in accordance with the provisions of this Act* has been conducted or an opportunity afforded therefor. [, at which the holder of the license shall have the right to be present in person or by counsel and to present evidence and be heard in his own behalf. The holder of the license shall be given written notice of the hearing at least thirty days prior to the date thereof. The notice shall state the time and place of the hearing and set forth the ground or grounds for the suspension or revocation in sufficient detail to apprise the holder of the license of the charges preferred against him. Upon failure of the holder of the license to respond to the complaint at or before the time of

the hearing thereon, the allegations set forth in the complaint shall be taken by the department as confessed. Proceedings at such hearings shall be in accordance with the rules and regulations of the board.

(2) The department shall appoint and provide for a hearing officer to conduct such hearings. The hearing officer shall have authority to issue subpoenas for the attendance of witnesses and the production of papers and records, administer oaths, schedule hearings and otherwise act in the name and on behalf of the department, but shall not have authority to suspend or revoke licenses. He shall cause to be prepared and shall certify to the department a complete written transcript of the record of each hearing, including all pleas, motions and other papers relating thereto, for consideration and decision by the department. An order of the department suspending or revoking a license shall be effective thirty days after notice of the entry of such order is given the holder thereof.

(3) Each notice required by this section to be given a licensee shall be served by forwarding same by registered mail, postage prepaid, to the holder at his address as it appears in the records of the department.

(4) A licensee aggrieved by an order of the department suspending or revoking a license may, within thirty days after notice thereof, appeal therefrom to the board in the manner provided by KRS 211.090(1)(b). The decision of the board shall be based on the transcript of evidence prepared by the hearing officer.

(5) A person aggrieved by an order of the board suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal therefrom to the circuit court of the county in which the principal office of the department is located by filing a statement of appeal therein together with an appeal bond with good and sufficient surety to secure the payment of any costs charged against him on the appeal. The cost of preparing and certifying the record shall be paid to the department by the appellant and taxed as costs in the action to be paid as directed by court upon final determination of the action. The appeal shall be determined by the court upon the

certified record and no new or additional evidence shall be heard or considered by the court.

(6) Either party aggrieved by a final order entered by the circuit court may appeal to the Court of Appeals as in a civil action.]

Section 183. KRS 319.030 is amended to read:

(1) On June 30 of each year the board shall submit to the Governor a written report. Such report shall include the names of all psychologists to whom licenses or certificates have been granted as provided in KRS 319.050 and 319.061 and certificates as provided in KRS 319.055, any cases heard and decisions rendered in relation to the doings of said board as to future policies. Each member of the board shall review and sign such report before its submission to the Governor. Failure of not more than two members to sign the report does not preclude submission.

(2) The principal office of the board shall be in Frankfort, but it may meet or conduct any of its business at any place in this state.

(3) The board may empower any member to conduct any proceeding, [hearing,] or investigation necessary to its purpose, *and may order hearings as provided in this Act.*

Section 184. KRS 319.091 is amended to read:

(1) The board may not suspend or revoke or refuse to issue or to renew any license or certificate for any cause listed in KRS 319.081, unless the person accused has been given at least twenty days' notice in writing of the charge against him and a [public] hearing *as provided in this Act.* [by the board.] The written notice shall be mailed to the person's last known address, but the nonappearance of the person shall not prevent such a hearing.

[(2) Upon such a hearing the board may administer oath and procure by its subpoenas the attendance of witnesses and the production or relevant books and papers.]

Section 185. KRS 320.240 is amended to read:

(1) The board shall meet at least once each year at which time it shall choose from among its members the president, vice-president, and secretary-treasurer. In addition, the board upon call of its officers, may hold meetings at such time as it deems necessary. The secretary-treasurer shall keep a full record of its proceedings which shall be open to inspection at all reasonable times.

(2) The board shall keep a register containing the name, address and license number of every person licensed to practice optometry in this state.

(3) The Attorney General shall render to the board such legal services as it may require in carrying out and enforcing the provisions of this chapter.

(4) Subject to and consistent with the provisions of this chapter, the board shall make and promulgate reasonable rules and regulations and do any and all things which it may deem necessary or proper for the effective enforcement of this chapter and for the full and efficient performance of its duties hereunder and the reasonable regulation of the profession of optometry and the practice thereof by licensed optometrists.

(5) The board shall have a common seal.

[(6) The board shall have authority to administer oaths and to require the attendance of witnesses, the production of books, records and papers pertinent to any matters coming before the board by the issuance of process which shall be served and returned in the same manner as in civil actions and for the disobedience of which the board shall have the power to invoke the same rights as are provided in the event of disobedience of a subpoena or subpoena duces tecum in a civil action.]

*(6)* [(7)] The board shall make rules and regulations governing applicants and applications for registration or license under this chapter and governing the conduct of licensing examinations.

*(7)* [(8)] The board shall from time to time accredit

schools and colleges teaching optometry, the graduates of which shall be eligible to licensing examinations.

*(8)* [(9)] The board shall have the right to determine what acts on the part of any person licensed as an optometrist in this state shall constitute unprofessional conduct under this chapter.

*(9)* [(10)] The board shall have authority, to assist in the prosecution of any violation of this chapter and in the enforcement of any of the provisions of this chapter.

*(10)* [(11)] The board shall have such other powers and duties as may be provided in the provisions of this chapter.

*(11)* [(12)] The board shall make a report of its proceedings to the Governor on or about January 1st of each year, including an accounting of all moneys received and disbursed.

Section 186. KRS 320.320 is amended to read:

(1) Proceedings to revoke or suspend a license may be taken by the board from the matters within its knowledge or upon the information of another. If the informant is a member of the board, the other members shall constitute the board for the purpose of judging the accused. Every accusation shall be in writing, verified by some person familiar with the facts charged in it. Three copies shall be filed with the secretary-treasurer of the board. Upon receiving the accusation the board shall *order a hearing as provided in this Act.* [if it considers it sufficient, make an order setting the accusation for hearing at a specified time and place, and requiring the accused to appear and answer it. The secretary-treasurer shall cause a copy of the order and accusation to be served upon the accused at least ten days before the day appointed in the order for the hearing.

(2) The person accused shall appear at the time appointed in the order, answer the charges in writing and make his defense, unless for sufficient cause the board assigns another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or if upon the hearing the board finds any of them true, it may proceed to a judg-

ment of either revoking his license or suspending it. The board and the accused may have the benefit of counsel. The board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person by the issuance of subpoenas over the signature of the secretary-treasurer and the seal of the board and in the name of the Commonwealth.]

*(2)* [(3)] The revocation of any license shall be noted upon the records of the board, and the license shall be marked as cancelled upon the date of its revocation. The secretary-treasurer of the board shall, upon entry of a judgment of suspension or revocation, transmit to the county clerk of the county in which the license affected by the judgment is recorded, a copy of the judgment order, certified to as such by the secretary-treasurer for record. The copy of the judgment order shall be recorded in the manner and the same book in which the record of the certificate to practice optometry is kept.

Section 187. KRS 321.360 is amended to read:

The board, before denying an application for license under the provisions of KRS 321.340 or before suspending or revoking any license under the provisions of KRS 321.340 and 321.350, shall *order a hearing in accordance with the provisions of this Act.* [set the matter down for hearing; and, at least twenty days prior to the date set for the hearing it shall notify the applicant or licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. The applicant or licensee in all hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee. The hearing on such charges shall be at such time and place as the board shall prescribe.]

Section 188. KRS 321.390 is amended to read:

(1) If the board, pursuant to the provisions of KRS 321.340, shall determine, after [due] hearing *as provided in this Act,* that

any applicant is not entitled to receive a license such license shall not be granted to the applicant; and if the board, after [due] hearing *under this Act,* shall determine that any licensee is guilty of a violation of the provisions of KRS 321.340 or 321.350 the license shall be suspended or revoked. [The board, upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its findings of fact and its reason or reasons for refusing to grant the license or suspension of the rights of the licensee or for revocation of the license, as the case may be. The findings of fact by the board acting within its powers shall, in the absence of fraud, be conclusive, but any person aggrieved shall have the right of an appeal from the findings of the board.]

(2) Upon suspension or revocation of any license or certificate of license it shall be the duty of the board to give official notice of such action, under seal, to the county clerk of the county in which the holder is registered, and such name shall be marked as suspended for the period indicated or stricken from the register in accordance with such notice, and if such holder shall continue the practice he shall thereupon be subject to the penalties provided in this chapter.

Section 189. KRS 322.200 is amended to read:

(1) All charges, unless dismissed by the board as unfounded or trivial, shall be *in accordance with the provisions of this Act.* [heard by the board within three months after the date on which they are preferred. The time and place of the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on or mailed to the last known address of the licensee at least thirty days before the date fixed for the hearing.

(2) At any hearing, the accused may appear personally and by counsel, cross-examine witnesses appearing against him and produce evidence and witnesses in his own defense. If, after the hearing, four or more members of the board vote in favor of finding the accused guilty, the board may revoke his license, or suspend the same for such length of time as they may in the exercise of a sound discretion deem to be reasonable.]

Section 190. KRS 322.430 is amended to read:

(1) If it shall come to the attention of the board, either by written complaint filed and signed by any adult citizen or through such sources as the board may in its discretion deem to be reliable, that any licensed land surveyor has procured his license and registration as the result of any fraud, deceit or false statement made in his application, or in any document subsequently filed to which he shall have affixed his seal or signature, or in any oral testimony subsequently given in support of such application, or that he has been guilty of any gross negligence, incompetence or other misconduct in connection with the practice of land surveying, or has been convicted of any felony or crime involving moral turpitude, the board may revoke the license and registration of such person or suspend the same for such length of time as the board may deem reasonable in the exercise of its sound discretion.

(2) All proceedings instituted and conducted under the preceding subsection shall conform to the procedures set forth in *this Act.* [KRS 322.190 to 322.220, inclusive.]

Section 191. KRS 323.130 is amended to read:

(1) No license shall be revoked or suspended without a hearing *as provided by this Act.* The board may proceed against a licensee on its own initiative, on the basis of either information contained in its own records or information obtained through its informal investigation. When a formal complaint verified by affidavit is filed with the board by a responsible citizen or organization, containing allegations that if true would warrant suspension or revocation of a license, the board shall proceed against the licensee within three months.

[(2) A written notice stating grounds for possible suspension or revocation of the license, setting forth with reasonable particularity the facts constituting the alleged offense and the time and place of the hearing before the board on the charges, shall be served on the accused not less than twenty days prior to the date of the hearing either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board.]

Section 192. KRS 324.170 is amended to read:

The commission shall before denying an application for license or before suspending or revoking any license *order a hearing as provided in this Act.* [set the matter down for a hearing and at least twenty days prior to the date set for the hearing it shall notify the applicant or licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. The applicant or licensee in all hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such written notice may be served by delivery of same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee.] If such applicant or licensee be a salesman [the commission shall also notify] the broker employing him or whose employ he is about to enter *shall also be given notice of the hearing.* [by mailing notice by registered mail to the broker's last known business address. The hearing on such charges shall be at such time and place as the commission shall prescribe.]

Section 193. KRS 324.200 is amended to read:

If the commission shall determine that any applicant is not entitled to receive a license, a license shall not be granted to such applicant, and if the commission shall determine that any licensee is guilty of a violation of any of the provisions of this chapter, the license shall be suspended or revoked. The commission, upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for suspension of the rights of the licensee, or for the revocation of the license, as the case may be. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive, but any person aggrieved shall have the right of an appeal from the findings of the commission as provided in *this Act.* [KRS 324.210.]

Section 194. KRS 325.340 is amended to read:

After notice and hearing as provide *in this Act* [in KRS

325.360,] the board may revoke or suspend any certifciate issued under KRS 325.260 to 325.290, or any registration granted under KRS 325.310, or may revoke, suspend or refuse to renew any permit issued under KRS 325.330, or may censure the holder of any such permit, for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under KRS 325.220 to 325.440, or in obtaining a permit to practice public accounting under KRS 325.220 to 325.440.

(2) Dishonesty, fraud or negligence in the practice of public accounting.

(3) Violation of any of the provisions of KRS 325.380.

(4) Repeated violation of a rule of professional conduct promulgated by the board under the authority granted by KRS 325.220 to 325.440 after warning by the board that such continued violation will constitute grounds for proceedings hereunder.

(5) Conviction of a felony under the laws of any state or of the United States.

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States.

(7) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(8) Suspension or revocation of the right to practice before any state or federal agency or court.

(9) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he received a certificate as certified public accountant under KRS 325.220 to 325.440.

(10) Failure of a certificate holder or registrant to obtain an annual permit to practice as required under KRS 325.330, within three years from the expiration date of the permit to

practice last obtained or renewed by said certificate holder or registrant, or within three years of the date upon which the certificate holder or registrant was granted his certificate or registration, if no permit was ever issued to such registrant, provided, however, that no action affecting a certificate holder or a registrant shall be taken by the board under this subsection until it shall appear that such certificate holder or registrant failed to renew his permit for the year ending July 1, 1953, on or before that date, or failed to renew his permit for a year or years ending after July 1, 1953.

(11) Conduct discreditable to the accounting profession.

Section 195. KRS 325.350 is amended to read:

(1) After notice and hearing as provided in *this Act* [KRS 325.360] the board shall revoke the registration and permit to practice of a partnership if at any time it does not have all the qualifications prescribed by the section of KRS 325.220 to 325.440 under which it qualified for registration.

(2) After notice and hearing as provided in *this Act* [KRS 325.360] the board may revoke or suspend the registration or may revoke, suspend or refuse to renew the permit to practice of a partnership or may censure the holder of any such permit for any of the causes enumerated in KRS 325.340, and for the following additional causes:

(a) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner.

(b) The cancellation, revocation, suspension or refusal to renew the authority of the partnership or any partner thereof to practice public accounting in any other state.

Section 196. KRS 326.100 is amended to read:

No license shall be suspended or revoked until after a hearing *as provided in this Act.* [before the board upon notice to the license holder of at least ten days. The notice shall be served either personally or by registered mail and shall state the date and place of the hearing and set forth the ground or grounds

constituting the charges against the license holder. The license holder shall be heard in his defense either in person or by counsel and may produce witnesses and testify in his own behalf.]

Section 197. KRS 327.070 is amended to read:

The board, after due notice and hearing *as provided in this Act* may refuse to license any applicant, and may refuse to renew the license of any licensed person, and may suspend or revoke the license of any licensed person:

(1) Who indulges in excessive use of alcoholic beverages or who is addicted to the use of narcotic drugs;

(2) Who has been convicted of violating any state or federal narcotic law;

(3) Who is, in the judgment of the board, guilty of immoral or unprofessional conduct;

(4) Who has been convicted of a felony or any crime involving moral turpitude;

(5) Who has obtained or attempted to obtain a license by fraud or material misrepresentation or who has made any other false statement to the board;

(6) Who is guilty, in the judgment of the board, of gross negligence in his practice of physical therapy;

(7) Who has been declared insane by a court of competent jurisdiction and has not thereafter been declared lawfully sane;

(8) Who has treated or undertaken to treat human ailments otherwise than by physical therapy as defined in this chapter, or who has undertaken to practice independent of the prescription, direction or supervision of a licensed medical doctor.

(9) Who has failed or refused to obey any lawful order or regulation of the board.

Section 198. KRS 329.100 is amended to read:

The department may upon its own motion and shall upon the verified complaint in writing of any person setting forth

facts which if proved would constitute grounds for denial, suspension or revocation of a license under this chapter, investigate the actions of any applicant or any person holding or claiming to hold a license. The department shall, before denial, suspension or revocation of a license, *refer the matter for hearing as provided in this Act.* [at least ten days prior to the date set for the hearing, notify in writing the applicant or holder of a license of the nature of the charges and that a hearing will be held on the date designated. The hearing shall determine whether the applicant or holder, called the respondent in this section and KRS 329.110, is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by personal delivery to the respondent or by mailing the same by registered or certified mail with return receipt requested to the place of business last specified by the respondent on the records of the department. At the time and place fixed in the notice, the commissioner shall proceed to hear the charges, and both the respondent and complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to the defense thereto. The commissioner may continue such hearing from time to time. If the commissioner shall not be sitting at the time and place fixed in the notice or at the time and place to which the hearing shall have been continued, the commissioner shall continue such hearing for a period not to exceed thirty days.]

Section 199. KRS 329.110 is amended to read:

[(1)] The department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the denial, suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the commissioner and orders of the department shall be the records of such proceedings. The department shall furnish a transcript of such record to any person interested in such hearing upon the payment therefor of seventy-five cents

per page for each original transcript and twenty-five cents per page for each carbon copy thereof ordered with the original; provided, however, the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be twenty-five cents per page.

[(2) In any case involving the denial, suspension or revocation of a license, a copy of the commissioner's report shall be served upon the respondent by the department, either personally or by registered or certified mail as provided in KRS 329.100 for the service of the notice of hearing. Within twenty days after such service, the respondent may present to the department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the commissioner may enter an order in accordance with recommendations of the department. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, the twenty day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.]

Section 200. KRS 330.130 is amended to read:

Before denying an application for license or before suspending or revoking any license, the board shall set the matter down for a hearing *as provided in this Act.* [and at least twenty days prior to the date for the hearing it shall notify the applicant or licensee in writing. The notice shall contain an exact statement of the charges made and the date and place of the hearing. The licensee or applicant at all hearings shall have the opportunity to be heard in person and by counsel. Written notice may be served by delivery of the notice personally to the applicant or licensee or by mailing the notice by registered mail to the last known business address of such applicant or licensee.] If such applicant or licensee is an apprentice auctioneer[, the board shall also notify] the auctioneer employing him or whose employ he is about to enter *shall be notified of the hearing.* [by mailing notice by registered mail to the auctioneer's last known

business address. The hearing on such charges shall be at such time and place as the board shall prescribe.]

Section 201. KRS 331.090 is amended to read:

(1) The board may suspend or revoke a license or may refuse to renew a license only after a hearing *as provided in this Act.* [of which the holder of the license has been given adequate notice by mailing a copy of the notice by certified or registered mail at least twenty days prior to the hearing. At the hearing, the board and the holder of the license shall have the benefit of counsel.

(2) The board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued in the name of the Commonwealth and over the signature of the president of the board.

(3) Proceedings for the suspension or revocation of a license may be instituted by any individual or organization filing a verified complaint with the secretary of the board or such proceedings may be instituted by the board acting upon its own initiative or by the president or secretary of the board acting on behalf of the board.

(4) The board may institute in its own name proceedings to restrain and enjoin temporarily or permanently violations of this chapter regardless of whether the defendant has been convicted for violations of the penal provisions of this chapter, and the board shall not be required to pay any costs or filing fee or furnish any bond in connection therewith.

(5) Hearings held by the board under subsection (1) of this section shall be held in the county where the holder of the license lives or operates an independent business school.]

Section 202. KRS 331.100 is amended to read:

(1) County and Commonwealth's Attorneys and the Attorney General within their respective jurisdictions shall prosecute all violations of the penal provisions of this chapter and

shall, when requested by the board, represent the board in matters relating to the enforcement of this chapter.

[(2) A licensee whose license has been revoked or suspended by the board or who has been refused a renewal license may, within thirty days of the entry of the order, appeal to the circuit court of the county in which the hearing was held. The person taking the appeal shall serve upon the secretary of the board, by certified or registered mail, a written notice of appeal and shall file with the clerk of the circuit court to which such appeal is taken an appeal bond with good and sufficient surety, to be approved by the clerk, conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. The board, within ten days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the court a certified copy under the seal of the board of the evidence upon which the ruling of the board was based. The clerk shall then docket the case and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circuit court to the Court of Appeals as in a civil action. The order appealed from shall be stayed from the date of the approval of the bond until the final determination of the appeal.]

Section 203. KRS 332.070 is amended to read:

Any person whose license to conduct a driver training school or any person whose license to give instructions in such schools has been suspended or revoked or the issue or renewal thereof is refused, may request a hearing *as provided in this Act,* for reinstatement or renewal of the license. [Such request shall be in writing addressed to the commissioner who shall conduct a hearing thereon as soon as possible. The commissioner shall have the power to subpoena witnesses and take testimony of any person or cause his deposition to be taken. If such request is denied, such person may appeal from the decision of the commissioner in the Franklin Circuit Court.]

Section 204. KRS 337.280 is amended to read:

If the commissioner has reason to believe that any employer

is not observing the provisions of any directory or mandatory order, he may *refer the matter for a hearing as provided in this Act.* [, on fifteen days' notice, summon such employer to appear before him to show cause why his name should not be published as having failed to observe the provisions of the order.] After this hearing and the finding of nonobservance of the order, the commissioner may, in such manner as he deems appropriate, publish the name of the employer as having failed in the respects stated to observe the provisions of the order. Neither the commissioner nor his authorized representative, nor any newspaper publisher, proprietor, editor, or employe shall be liable to an action for damages for publishing the name of any employer as provided for in this section, unless guilty of willful misrepresentation.

Section 205. KRS 337.300 is amended to read:

The commissioner may at any time, without reference to a wage board, propose any modifications of or additions to any administrative regulations included in his directory or mandatory orders if the proposed modifications or additions could legally have been included in the original order. *In addition to complying with the provisions of this Act, he* shall give notice of a public hearing to be held by him not less than fifteen days after publication at which all persons may be heard in respect to the proposed modifications or additions. After the hearings the commissioner may make an order putting into effect such proposed modifications of or additions to the administrative regulations as he considers appropriate. If the order of which the administrative regulations form a part has been made mandatory in whole or in part, the commissioner may declare to what extent the new order shall be directory and to what extent mandatory.

Section 206. KRS 337.310 is amended to read:

(1) All questions of fact arising under KRS 337.210 to 337.360, except as provided in this section, shall be decided by the commissioner. There shall be no appeal from the decision of the commissioner on any question of fact, but there shall be a right of review *as provided in this Act.* [by the circuit court. Either party may, within twenty days after the rendition of a

final order of the commissioner, by petition appeal to the circuit court that would have jurisdiction to try an action for breach of contract.

(2) The review is limited to determining whether or not:

(a) The commissioner or director acted without or in excess of his powers;

(b) The order or decision was procured by fraud;

(c) The order or decision is not in conformity to the provisions of KRS 337.210 to 337.360; and

(d) If findings of fact are in issue, whether they support the order or decision.

(3) The circuit court shall enter judgment affirming, modifying or setting aside the order or decision.]

Section 207. KRS 337.425 is amended to read:

(1) For this purpose, the commissioner, or his authorized representative, shall have power to enter the place of employment of any employer to inspect and copy payrolls and other employment records, to compare character of work and operations on which persons employed by him are engaged, to question such persons, and to obtain such other information as is reasonably necessary to the adminstration and enforcement of KRS 337.420 to 337.433 and 337.992.

[(2) The commissioner or his authorized representative shall have power to examine witnesses under oath, and to require by subpoena the attendance and testimony of witnesses and the production of any documentary evidence relating to the subject matter of any investigation undertaken pursuant to KRS 337.420 to 337.433 and 337.992. In the event of the failure of a person to attend, testify or produce documents under or in response to a subpoena, the circuit court in the judicial district wherein the hearing is being held, on application of the commissioner or his representative, may issue an order requiring said person to appear before the commission or his authorized representative, or to produce documentary evidence, and any failure to obey such

order of the court may be punished by the court as a contempt thereof.]

*(2)* [(3)] The commissioner is authorized to endeavor to eliminate pay practices unlawful under KRS 337.420 to 337.433 and 337.992 by informal methods of conference, conciliation and persuasion, and to supervise the payment of wages owing to any employe under KRS 337.420 to 337.433 and 337.992.

*(3)* [(4)] The commissioner shall have power to issue such regulations not inconsistent with the purpose of KRS 337.420 to 337.433 and 337.992, as he deems necessary or appropriate to carry out its provisions.

Section 208. KRS 338.050 is amended to read:

(1) When any employe or his representative complains that any place of employment, equipment or practice is unsafe, he or his representative shall file with the commissiner a statement setting forth the facts upon which he relies for his contention, and transmit a copy of the complaint and statement to his employer. Upon such complaint the commissioner or his authorized representative shall immediately investigate and undertake to have corrected any dangerous condition he finds. If the commissioner or his representative is unable to effect an adjustment he shall file the complaint, statements and findings with the board for hearing.

(2) The commissioner may, upon his own motion and without complaint having been filed as provided in subsection (1) of this section, file a complaint with the board with respect to any unsafe place of employment, equipment or practice that has come to his attention or to the attention of a representative of the department and which, after the commissioner or representative has undertaken to have it adjusted, has not been corrected or removed.

(3) The board shall *refer the matter for hearing under the provisions of this Act.* [give at least ten days' notice to the employer of the hearing on any complaint filed with the board, and, in the case of complaints made under subsection (1) of this section, shall give like notice to the employe or his representa-

tive.] If, after hearing the testimony and inspection of the premises or equipment where it considers such inspection necessary, the board determines that such place, equipment or practice is unsafe, it shall issue an order to that effect and shall post conspicuously on the premises or equipment complained of a notice to that effect. This notice shall be removed only by an authorized representative of the department after the board has determined that the premises or equipment are no longer unsafe.

(4) After the determination by the board that the premises or equipment are unsafe, and constitute a serious menace to the life or safety of the persons about it, the commissioner may apply to the circuit court of the county in which they are located for an injunction restraining their use or operation until the dangerous condition is corrected.

(5) The application to the circuit court shall be accompanied by the certified order of the board and an affidavit showing the facts upon which the board relied for its determination. Upon such a presentation, the court may issue a temporary restraining order pending final hearing and application for injunction.

(6) No person, after the notice provided for in subsection (3) is attached to the premises or equipment, shall use any such place, equipment or practice before it is made safe and the required safeguards or safety appliances are provided. No person shall deface, destroy or remove any such notice, without the authority from the commissioner or order of the court.

Section 209. KRS 338.060 is amended to read:

(1) Any person claiming to be aggrieved by any general rule, order or regulation of the board may appeal *under the provisions of this Act.* [to the Franklin circuit court for review of such general rule, order or regulation.

(2) Any person aggrieved by any ruling of the board upon any specified complaint may appeal to the circuit court of the county in which the place of employment complained of is located upon the following grounds only:

(a) That the board acted without or in excess of its powers;

(b) That the order or decision was procured by fraud or mistake; or

(c) That the order, decision, rule or regulation is unreasonable.

(3) Appeals under subsection (2) shall be filed within sixty days after any final order. The circuit court, after hearing the parties, shall enter judgment affirming, modifying or reversing the order of the board or in advance of judgment may remand the matter to the board for further proceedings as directed by the court.

(4) An appeal may be taken to the Court of Appeals from any decision of the circuit court under this section.]

Section 210. KRS 343.070 is amended to read:

(1) Upon the complaint of either party to the agreement, or upon his own initiative, the supervisor may investigate or determine if there has been a violation of the terms of the apprenticeship agreement approved under this chapter. He may hold hearings, inquiries, and other proceedings necessary to such investigation and determination. The parties to such agreement shall, after reasonable notice, be given a fair and impartial hearing. All such hearings, investigations, and determinations shall be made under authority of reasonable rules prescribed by the council subject to the approval of the commissioner.

(2) The determination of the supervisor shall be filed with the commissioner. If no appeal therefrom is filed with the commissioner within fifteen days the determination shall become final. Any party aggrieved by any determination or action of the supervisor may appeal to the commissioner, who shall hold a hearing thereon *in accordance with the provisions of this Act.* [after due notice to the interested parties.

(3) Any party to an apprenticeship agreement aggrieved by an order or decision of the commissioner may appeal to the Franklin Circuit Court. The decision of the commissioner shall be conclusive if no appeal is filed within sixty days. An appeal from an order of the Franklin circuit court may be had to the

Court of Appeals in the manner provided by the Civil Code of Practice.]

(3) [(4)] No person shall institute any action for the enforcement of any apprenticeship agreement made and approved under this chapter unless he has first exhausted all administrative remedies provided by this section.

Section 211. KRS 344.190 is amended to read:

In the enforcement of this chapter the Commission on Human Rights shall have the following powers and duties:

(1) To maintain an office in the City of Frankfort and such other offices within the state as may be deemed necessary.

(2) To meet and exercise its powers at any place within the Commonwealth.

(3) Within the limitations provided by law, to appoint an Executive Director, attorneys, [hearing examiners,] clerks and other employes and agents as it may deem necessary. At the direction of the commission, attorneys appointed under this section may appear for and represent the commission in any court.

(4) To promote the creation of local commissions on human rights, to cooperate with state, local and other agencies, both public and private, and individuals, and to obtain upon request and utilize the services of all governmental departments and agencies.

(5) To cooperate with the United States Equal Employment Opportunity Commission created by Section 705 of the Civil Rights Act of 1964 (78 Stat. 241) in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of that Act, and with other Federal and local agencies in order to achieve the purposes of this chapter.

(6) To accept gifts or bequests, grants, or other payments, public or private, to help finance its activities.

(7) To accept reimbursement pursuant to Section 709(b)

of the Civil Rights Act of 1964 (78 Stat. 241) for services rendered to assist the Federal Equal Employment Opportunity Commission.

(8) To receive, initiate, investigate, seek to conciliate, *refer* [hold] hearings on, and pass upon complaints alleging violations of this chapter.

[(9) At any time after a complaint is filed, to require answers to interrogatories, compel the attendance of witnesses, examine witnesses under oath or affirmation in person or by deposition, and require the production of documents relevant to the complaint. The commission may make rules authorizing any member or individual designated to exercise these powers in the performance of official duties.]

*(9)* [(10)] To furnish technical assistance requested by persons subject to this chapter to further their compliance with this chapter or an order issued thereunder.

*(10)* [(11)] To make studies appropriate to effectuate the purposes and policies of this chapter and to make the results thereof available to the public.

*(11)* [(12)] To render annual written reports to the Governor and the legislature. The reports may contain recommendations of the commission for legislative or other action to effectuate the purposes and policies of this chapter.

*(12)* [(13)] To create local or state-wide advisory agencies that in its judgment will aid in effectuating the purpose of this chapter. The commission may empower these agencies (a) to study and report on problems of discrimination because of race, color, religion, or national origin, (b) to foster through community effort or otherwise goodwill among the groups and elements of the population of the state, and (c) to make recommendations to the commission for the development of policies and practices that will aid in carrying out the purposes of this chapter. Members of such committees shall serve without pay but shall be reimbursed for expenses incurred in such service. The commission may make provision for technical and clerical assistance to the committees.

*(13)* [(14)] To adopt, promulgate, amend and rescind rules and regulations to effectuate the purposes and provisions of this chapter, including regulations requiring the posting of notices prepared or approved by the commission.

Section 212. KRS 344.200 is amended to read:

(1) An individual claiming to be aggrieved by an unlawful practice, a member of the commission, or the Attorney General may file with the commission a written sworn complaint stating that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the commission to identify the persons charged (hereinafter the respondent). The commission staff or a person designated pursuant to its rules shall promptly investigate the allegations of unlawful practice set forth in the complaint and shall within five days furnish the respondent with a copy of the complaint. The complaint must be filed within 180 days after the alleged unlawful practice occurs, except that a complaint alleging discrimination in employment (under KRS 344.030 to 344.110) must be filed within ninety days.

(2) The commission shall determine within thirty days after the complaint has been filed whether there is probable cause to believe the respondent has engaged in an unlawful practice. If it is determined that there is no probable cause to believe that the respondent has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and shall furnish a copy of the order to the complainant, the respondent, the Attorney General and such other public officers and persons as the commission deems proper.

(3) The complainant, within ten days after receiving a copy of the order dismissing the complaint, may file with the commission an application for reconsideration of the order. Upon such application, the commission *shall refer the matter for hearing under the provisions of this Act.* [or an individual designated pursuant to its rules shall make a new determination within ten days whether there is probable cause to believe that the respondent has engaged in an unlawful practice.] If it is determined that there is no probable cause to believe that the respondent

has engaged in an unlawful practice, the commission shall issue an order dismissing the complaint and furnishing a copy of the order to the complainant, the respondent, the Attorney General, and such other public officers and persons as the commission deems proper.

(4) If the staff determines, after investigation, or if the commission determines after the review provided for in subsection (3) that there is probable cause to believe that the respondent has engaged in an unlawful practice, the commission staff shall endeavor to eliminate the alleged unlawful practice by conference, conciliation and persuasion. The terms of a conciliation agreement reached with a respondent may require him to refrain from the commission of unlawful discriminatory practices in the future and make such further provisions as may be agreed upon between the commission or its staff and the respondent. If a conciliation agreement is entered into, the commission shall issue and serve on the complainant an order stating its terms. A copy of the order shall be delivered to the respondent, the Attorney General, and such other public officers and persons as the commission deems proper. Except for the terms of the conciliation agreement, neither the commission nor any officer or employe thereof shall make public, without the written consent of the complainant and the respondent, information concerning efforts in a particular case to eliminate an unlawful practice by conference, conciliation, or persuasion whether or not there is a determination of probable cause or a conciliation agreement.

(5) At the expiration of one year from the date of a conciliation agreement, and at other times in its reasonable discretion, the commission staff may investigate whether the terms of the agreement have been and are being compiled with by the respondent. Upon a finding that the terms of the agreement are not being complied with by the respondent, the commission shall take such action as it deems appropriate to assure compliance.

(6) At any time after a complaint is filed, the commission may file an action in the circuit court in a county in which the subject of the complaint occurs, or in a county in which a respon-

dent resides or has his principal place of business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under KRS 344.160, 344.190 to 344.210, and 344.230 to 344.260, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commission may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper.

Section 213. KRS 344.210 is amended to read:

(1) Within sixty days after a complaint is filed, unless the commission has issued an order dismissing the complaint or stating the terms of a conciliation agreement or within thirty days after an application for review is filed under KRS 344.200(3), the commission shall serve on the respondent by registered or certified mail a written notice, together with a copy of the complaint as it may have been amended *and shall refer the matter for hearing in accordance with the provisions of this Act.* [requiring the respondent to answer the allegations of the complaint at a hearing before one or more members of the commission or an individual designated pursuant to its rules, at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant, the Attorney General, and such other public officers and persons as the commission deems proper.]

(2) A member of the commission who filed the complaint or endeavored to eliminate the alleged unlawful practice by conference, conciliation or persuasion, shall not participate in the hearing or in the subsequent deliberation of the commission.

[(3) The respondent may file an answer with the commission by registered or certified mail not less than five days before the hearing date. The commission or the complainant may amend a complaint and the respondent may amend an answer at any time prior to the issuance of an order based on the complaint, but no order shall be issued unless the respondent has had the opportunity of a hearing on the complaint or amendment on which the order is based.

(4) The case in support of the complaint shall be presented

before the commission by one of its attorneys or staff. Efforts at conference, conciliation, and persuasion shall not be received in evidence.

(5) A respondent who has filed an answer or whose default in answering has been set aside for good cause shown may appear at the hearing, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant, the Attorney General, and, in the discretion of the commission, any person may intervene, examine and cross-examine witnesses, and present evidence.

(6) If the respondent fails to answer the complaint, the commission may enter his default. Unless the default is set aside for good cause shown, the hearing may proceed on the evidence in support of the complaint.

(7) Testimony taken at the hearing shall be under oath and transcribed. After the hearing, in its discretion, the commission upon notice to all parties with an opportunity to be present may take further evidence or hear argument.]

Section 214. KRS 350.028 is amended to read:

The Reclamation Commission shall have and exercise the following authority and powers:

(1) To adopt *in accordance with the provisions of this Act and* after [giving] notice to all operators actively engaged in strip mining and affording them an opportunity to appear and offer evidence at a public hearing, general rules and regulations pertaining to strip mining to accomplish the purposes of this chapter;

(2) To adopt, without hearings, rules and regulations with respect to procedural aspects of commission hearings;

(3) To *make investigations and to refer for hearing under the provisions of this Act all matters pertaining to the enforcement of this chapter or regulations adopted by the commission.* [conduct hearings under provisions of this chapter or regulations adopted by the commission and for the purpose of any investigation or hearing, the commission or any member thereof may

administer oaths or affirmations, subpoena witnesses, compel their attendance, take evidence and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commission deems relevant or material to the inquiry;

(4) To issue after hearing, orders requiring an operator to adopt such remedial measures as are necessary to comply with this chapter and regulations adopted pursuant thereto;

(5) To issue after a hearing, a final order directing the division to revoke a permit, when the requirements set forth by the notice of noncompliance, order of suspension, or an order of the commission requiring remedial measures have not been complied with according to the terms therein.]

Section 215. KRS 350.090 is amended to read:

(1) Under the provisions of this chapter and regulations adopted by the commission, an operator shall prepare and carry out a method of operation, plan of grading and backfilling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and the plans of backfilling, grading and reclamation, all measures shall be taken to eliminate damages to members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, rolling stones and overburden, water pollution and hazards dangerous to life and property. The plan shall be submitted to the division and the division shall notify the applicant by registered mail within twenty working days after receipt of the plans and complete application if it is or is not acceptable. If the plan is not acceptable, the division shall set forth the reasons for which the plan is not acceptable and it may propose modifications, delete areas or reject the entire plan. Should the applicant disagree with the decision of the division, he may, by written notice, request a hearing *as provided in this Act;* [by the commission. The commission shall notify the applicant by registered mail within twenty days after the hearing of its decision. Any person aggrieved by a final order of the commission may appeal through the courts as set forth in KRS 350.032;]

(2) In addition to the method of operation, grading back-

filling and reclamation requirements of this chapter and regulations adopted pursuant thereto, the operator, consistent with the directives of subsection (1) above, shall be required to perform the following:

(a) Cover the face of the coal with compacted nonacid bearing and nontoxic materials to a distance of at least four feet above the seam being strip mined or by a permanent water impoundment;

(b) Bury under adequate fill all toxic materials, roof coal, pyritic coal or shale determined by the division to be acid producing, toxic, or creating a fire hazard.

(c) Seal off, as directed by regulations, any break through of acid water creating a hazard;

(d) Impound, drain or treat all runoff water so as to reduce soil erosion, damage to agricultural lands and pollution of streams and other waters;

(e) Remove or bury all metal, lumber, and other refuse resulting from the operation;

(3) No operator shall throw, dump, pile or permit the dumping, piling or throwing or otherwise placing any overburden, stones, rocks, coal, particles of coal, earth, soil, dirt, debris, trees, wood, logs, or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060 or place such materials herein described in such a way that normal erosion or slides brought about by natural physical causes will permit such materials to go beyond or outside of the area of land which is under permit and for which bond has been posted under KRS 350.060.

Section 216. KRS 351.030 is amended to read:

[(1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to applicants copies of forms of notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.]

[(2)] The department shall *refer for a hearing as provided in this Act* [hold one or more hearings on] each matter brought before it. [All interested persons shall be given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired.] The department shall decide each matter in controversy in the manner that seems to it just and reasonable and necessary or desirable for the proper enforcement of KRS 352.510 or 353.050 to 353.130.

Section 217. KRS 352.390 is amended to read:

The Board of Examiners may revoke the certificate of a mine foreman if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, incapacity, abuse of authority, willful failure to comply with the instructions of the district mine inspector to obey the mining laws, or for other just cause. The certificate holder against whom charges are made may *be heard in accordance with the provisions of this Act.* [appear before the board and defend against the charges, and shall have five days' notice in writing of the charges previous to the hearing.]

Section 218. KRS 352.510 is amended to read:

(1) Before removing any coal or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any coal mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the coal operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The coal operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any

proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the coal operator of the character of the objections and *refer the matter for hearing in accordance with the provisions of this Act.* [fix a time and place for a hearing not more than ten days from the end of said five-day period.] At the hearing the coal operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department and, if no agreement can be reached, the department, after a full hearing, shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of the well. [The decision shall be subject to appeal by either party as provided in KRS 351.040.] The department shall keep a complete record of all such hearings.

(2) The coal operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

Section 219. KRS 353.200 is amended to read:

(1) The department shall exercise supervision over the drilling, casing, plugging and filling of all wells drilled through workable coal beds and all mining operations in close proximity to any well, and for this purpose shall have access to the records and properties of coal and oil operators whenever necessary.

(2) The department may receive, or may file on its own motion, formal complaints charging that drilling or mining operations are being conducted contrary to the provisions of KRS 353.010, 353.050 to 353.130, or 352.510, or to the order of the department, and shall *refer* [hold formal hearings on] such complaints *for hearing as provided in this Act.* Immediately following the hearing, the department shall make its findings of

fact and enter such order as in its judgment is necessary to secure the proper administration of KRS 353.010, 353.050 to 353.130, or 352.510.

Section 220. KRS 353.540 is amended to read:

(1) The department is authorized and it shall be its duty to administer and enforce KRS 353.500 to 353.720, all rules and regulations promulgated and orders issued hereunder, and to conduct such investigations as it deems necessary.

*(2) All hearings held under KRS 353.500 to 353.720 shall be held in accordance with the provisions of this Act.*

*(3)* [(2)] The department is hereby granted authority and jurisdiction over all persons and property necessary for such purposes.

Section 221. KRS 353.670 is amended to read:

(1) All rules, regulations and amendments promulgated under KRS 353.500 to 353.720 shall be promulgated by the department *in accordance with the provisions of KRS Chapter 13.* [after notice and a hearing.] At all hearings held to consider any rules, regulations or amendments thereto, any interested person shall be entitled to be heard.

[(2) All hearings held under this section shall be held at such time and place as is specified by the department, and according to rules and regulations promulgated under KRS 353.500 to 353.720. A written record of each hearing shall be kept, unless the keeping of a record shall be waived by all parties who participate therein. All interested persons shall be entitled to be heard at all hearings conducted under KRS 353.500 to 353.720.

(3) The director, or his representatives, shall attend all hearings under this section conducted by the department.]

*(2)* [(4)] All rules, regulations and orders promulgated or issued under KRS 353.500 to 353.720 shall be in writing, shall be entered in full and indexed in books to be kept by the department for that purpose, shall be public records open for inspection at all times during office hours, and shall be filed in accordance with

the provisions of KRS *Chapter 13.* [13.085.] A copy of any rule, regulation or order, certified by the chief or director, shall be received in evidence in all courts of this Commonwealth without any further authentication thereof.

Section 222. KRS 366.140 is amended to read:

No license shall be denied or revoked except after a hearing *in accordance with the provisions of this Act.* [thereon. The department shall give the applicant or licensee at least twenty days' written notice of the time and place of such hearing by registered or certified mail addressed to the principal place of business of such applicant or licensee.] Any order of the commissioner denying or revoking such license shall state the grounds upon which it is based and shall not be effective until twenty days after written notice thereof has been sent by registered or certified mail to the applicant or licensee at such principal place of business.

Section 223. All laws, or parts of laws, in conflict with the provisions of this Act are hereby repealed.

Section 224. Sections 13.125, 16.150, 18.280, 44.290, 44.300, 151.190, 156.134, 171.300, 176.170, 177.190, 177.200, 177.945, 177.950, 183.620, 190.057, 216.480, 219.240, 224.460, 229.190, 229.230, 230.330, 243.560, 243.590, 249.319, 249.321, 249.323, 260.590, 260.745, 260.835, 278.320, 278.330, 278.340, 278.360, 278.400, 278.410, 278.440, 278.450, 280.110, 281.640, 281.785, 291.560, 304.044, 304.046, 304.048, 304.050, 304.052, 312.155, 312.160, 313.160, 313.180, 313.340, 316.160, 319.101, 320.330, 321.370, 321.380, 321.400, 321.410, 322.210, 322.320, 323.140, 323.145, 324.190, 324.210, 325.360, 326.110, 327.090, 329.120, 329.130, 330.140, 330.160, 336.060, 344.230, 344.240, 344.260, 350.032, 351.040, 353.680, 353.690, and 353.700 of the Kentucky Revised Statutes are repealed.

Committee Amendment No. 1 to **HB 170** is as follows:

Amend printed copy of House Bill 170 on page 1, line 11, by:
by inserting after the word "Appeals," the words "Kentucky Commission on Human Rights"

and on pages 232 to 238 inclusive, beginning on line 3, page 232 and ending on line 28 on page 238:

by striking sections 211, 212, and 213 in their entirety

Committee Amendment No. 2 to **HB 170** is as follows:

Amend printed copy of House Bill 170 on page 3, line 4, by:

Substituting a comma for the period following the word "memoranda" and adding after such comma the following:

or (d) an Official Order of the Commissioner of Highways which relates to the use of the State Primary Road System when the effect of such order is indicated to the public by means of signs, signals or markings.

Committee Amendment No. 3 to **HB 170** is as follows:

Amend printed copy of House Bill 170 on page 64, line 1, by:

deleting the figures 220.640 and inserting in lieu thereof the figures 224.080

and on line 17 by deleting the figures 220.580 and inserting in lieu thereof the figures 224.010

and on line 18 by deleting the figures 220.650 and inserting in lieu thereof the figures 224.060, 224,080 and 224.100.

Committee Amendment No. 4 to **HB 170** is as follows:

Amend printed copy of House Bill 170 on page 246, line 21, by:

deleting "18.280"

Committee Amendment No. 5 to **HB 170** is as follows:

Amend printed copy of House Bill 170 on page 247, line 5, by:

inserting after said line the following:

"Section 225. As used in sections 1, 2, 14, 17, 19 to 222 and subsection (3) of section 4 of this Act, the term, "this Act," means sections 1 through 18 of this Act."

The Committee on Business Organizations and Professions reported **HB 243** with Committee Amendment attached thereto and **HB 335** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 243,** AN ACT relating to real estate licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 324.040 is amended to read as follows:

(1) Every application for a license, whether as broker or salesman, shall state whether or not the applicant has ever had any broker's or salesman's license revoked or suspended. It shall be accompanied by the license fee prescribed by KRS 324.070, but if the commission does not issue the license, the fee shall be returned to the applicant. Every applicant for a license shall furnish a sworn statement setting forth his business and residence address.

(2) Every applicant for a broker's license shall *have held a salesman's license for a period of twenty-four months in this state prior to the date of said application, and must have been actively engaged in the real estate business for such a period of time, and shall* apply in writing upon blanks prepared or furnished by the commission. *Provided, however, that if the applicant can furnish the commission a certificate from a college or university, accredited by recognized educational associations, reflecting satisfactory completion of sixty college hours, including at least ten hours in the real estate field, then the requirements pertaining to holding a salesman's for two years shall be reduced to one year and the applicant shall otherwise be eligible to apply for a broker's examination. In addition, the requirements for a salesman's license shall not apply to any applicant who formerly held a broker's license in this or any other state. Neither shall the requirements for a salesman's license apply to any person who has been actively engaged as a builder for a period of three years.*

*(3) Every applicant* [He] shall state the name of the person or company with which he will be associated in the business of real estate, and the location of the place for which the license is desired, and shall set forth the period of time, if any, during which he has been engaged in the real estate business.

*(4)* [(3)] Every applicant for a salesman's license shall set forth the name and place of business of the company then employing him or into whose service he is about to enter.

Committee Amendment to **HB 243** is as follows:

Amend printed copy of House Bill 243 on page 2, lines 3 thru 10, by:

deleting the sentence beginning on line 3 with the word *"Provided"* and ending on line 10 with the word *"examination."* and inserting in lieu thereof the following:

*"If the applicant can furnish the commission a certificate from a resident college, university, or business school, accredited by appropriately recognized educational associations or chartered and licensed in the state of Kentucky, reflecting satisfactory completion of 60 college hours or 18 months of resident classroom training, then the requirements pertaining to holding a salesman's license for two years shall be reduced to one year and the applicant shall otherwise be eligible to apply for a broker's examination."*

**HB 335,** AN ACT relating to the authority of the Kentucky State Racing Commission.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 230.260 is amended to read:

The commission, in the interest of breeding or the improvement of the breed of thoroughbred horses, shall have all powers necessary and proper to carry out fully and effectually the provisions of KRS 230.210 to 230.360 including, but without limitation, the following:

(1) The commission is vested with full jurisdiction and supervision over all thoroughbred race meetings in this state and over all persons and associations having to do with the conduct of such meetings:

(2) The commission, its representatives and employes, may visit, investigate and have free access to the office, track, facilities or other places of business of any licensee for the purpose of satisfying itself that KRS 230.210 to 230.360 and its rules and regulations are strictly complied with;

(3) The commission shall have full authority to prescribe

rules, regulations and conditions under which thoroughbred horse racing shall be conducted in this state and to fix and regulate the minimum amount of purses, stakes or awards to be offered for the conduct of any thoroughbred race meeting; *provided, however, that in any race in which more than one horse is entered belonging to the same owner or trained by the same trainer all of said horses must be run as one entry;*

(4) Applications for licenses shall be made in the form, in the manner and contain information as the commission may, by rule, require. Fees for all licenses issued under KRS 230.310 shall be prescribed by and paid to the commission;

(5) Any of the foregoing rules, regulations and conditions may be altered, amended, repealed and published from time to time. All rules, regulations and conditions shall become effective thirty days after the filing thereof with the Legislative Research Commission unless the Governor finds an emergency to exist in which event the same shall become effective immediately upon filing with the Legislative Research Commission. The commission may, but shall not be required to, advertise any of its regulations either before or after filing;

(6) The commission may issue subpoenas for the attendance of witnesses before it and administer oaths to such witnesses whenever, in the judgment of the commission, it is necessary to do so for the effectual discharge of its duties. Any person failing to appear before the commission at the time and place specified in said summons, or refusing to testify, shall be deemed guilty of a misdemeanor and upon conviction by a court of competent jurisdiction shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both. False swearing on the part of any witness shall be deemed perjury and punished as such.

(7) The commission shall have authority to compel any racing association licensed under KRS 230.210 to 230.360 to file with the commission at the end of its fiscal year, a balance sheet, showing assets and liabilities, and an earnings statement, together with a list of its stockholders or other persons holding a beneficial interest in the association.

The Committee on Counties and Special Districts reported **HB 70,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 70,** AN ACT relating to school districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.

*(2) Each county school district shall consist of five divisions as nearly equal in population and containing integral voting precincts in so far as is practicable. The population of each division may be determined by the number of voters registered in the precincts making up the divisions. The county court may reapportion the division of a county school district at any county court term four years after a previous apportionment, but not within sixty days previous to an election for school district board membership.* [The board of education of each county school district shall, not later than July 1, 1940, divide its district into five divisions as nearly equal in population and containing integral voting precincts in so far as is practicable.] In [first] dividing the county district into divisions the board shall, if more than one of its members reside in one division, determine by lot which member [from that division] shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall be nominated and elected as provided in KRS 160.200, 160.220 *and* [to] 160.250.

*(3) When subsection (2) has been complied with, the county judge shall, in open court, appoint three competent citizens of the county over twenty-one years of age, as commissioners*

*to change the division boundary lines so as to make divisions as nearly equal in population and containing integral voting precincts in so far as is practical. The commissioners, before they proceed to act, shall be sworn to faithfully perform their duties. They shall receive out of the county treasury a reasonable compensation for their services, fixed by the fiscal court.* [No change shall be made in the boundary lines of the present divisions of the county school district until January 1, 1959, except in case of merger of districts or change in territory due to annexation. Any changes made in division boundary lines shall be such as will make divisions as nearly equal in population and containing integral voting precincts in so far as is practical. No change may be made in division boundary lines more frequently than five years after the last change in any division line, except in case of merger of districts or change in territory due to annexation. A record of all changes in division lines shall be kept in the office of the county board of education, and shall be published pursuant to KRS Ch. 424. A copy of the newspaper in which the notice is published shall be filed with the Superintendent of Public Instruction within ten days following its publication. No change shall be made in the boundary of any division after January 1 prior to the date on which a member of the school board is to be elected from any division.]

(4) *The commissioners shall within ten days after their appointment lay off the boundary line of the divisions. They shall file in the office of the county clerk a written report, showing the boundary of each division and the estimated population in each. The report shall be advertised as required by KRS Chapter 424. At the next regular term of the county court commencing not later than ten days after the filing of the report, any citizen of the district may file exceptions, and the court shall fix a day not later than ten days after the filing of the exceptions for the trial thereof. On the trial the court shall dispose of the exceptions and, by order entered of record, establish the boundaries of the divisions. If, on the trial of the exceptions to the commissioners' report it appears that a reapportionment is not necessary, or the proposed report is unreasonable, the court may refuse the application and dismiss the proceeding at the cost of the applicant.*

The Committee Substitute to **HB 70** is as follows:

**Committee Substitute HB 70,** AN ACT relating to school districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions.

(2) The board of education of each county school district shall, not later than July 1, 1940, divide its district into five divisions as nearly equal in population and containing integral voting precincts insofar as is practicable. In first dividing the county district into divisions the board shall, if more than one of its members reside in one division, determine by lot which member from that division shall represent that division, and which members shall represent the divisions in which no member resides. The members so determined to represent divisions in which no member resides shall be considered the members from those divisions until their terms expire, and thereafter the members from those divisions shall be nominated and elected as provided in KRS 160.200, 160.220 to 160.250.

(3) No change shall be made in the boundary lines of the present division of the county school district until January 1, 1959, except in case of merger of districts or change in territory due to annexation. Any changes made in division boundary lines shall be such as will make divisions as nearly equal in population and containing integral voting precincts insofar as is practical. No change may be made in division boundary lines more frequently than five years after the last change in any division lines, except in case of merger of districts or change in territory due to annexation. A record of all changes in division lines shall be kept in the office of the county board of education, and shall be published pursuant to KRS Ch. 424. A copy of the newspaper in which the notice is published shall be filed with

the Superintendent of Public Instruction within ten days following its publication. No change shall be made in the boundary of any division after January 1 prior to the date on which a member of the school board is to be elected from any division.

*(4) (a) Notwithstanding the provisions of subsection (3) of this section, if 50 residents of a county school district division petition the State Board of Education stating that the school district divisions are not divided as nearly equal in population as can reasonably be expected, the Superintendent of Public Instruction shall cause an investigation to determine the validity of the petition, said investigation to be completed within thirty days after receipt of the petition.*

*(b) If the investigation reveals the school district to be unequally divided according to population, the State Board of Education, upon the recommendation of the Superintendent of Public Instruction, shall order the local board of education to make such changes in school district divisions as are necessary to equalize population within the five school divisions.*

*(c) If any board fails to comply with the order of the State Board of Education within thirty days or prior to August 1 in any year in which any members of the board are to be elected, members shall be elected from the district at large until the order of the State Board of Education has been complied with.*

*(d) No change shall be made in the boundary of any division under the provisions of this subsection after August 1 in the year in which a member of the school board is to be elected from any division.*

The Committee on Counties and Special Districts reported **HB 72,** with Committee Amendment attached thereto, without expression of opinion.

The Committee on Counties and Special Districts reported **HB 152** with the expression of opinion that the same should not pass.

The Committee on Counties and Special Districts reported **HB 282** without expression of opinion.

The Committee on Education reported **HB 293** with Committee Amendment attached thereto, **SB 161, HB 326,** and **HB 110**

with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 293,** AN ACT relating to school district employees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) All persons employed by a school district for the regular school term shall be paid in ten equal payments, equally spaced in time.

(2) The Department of Education shall by regulation enforce Section 1 of this Act.

Committee Amendment to **HB 293** is as follows:
Amend printed copy of House Bill 293 on page 1, line 4, by:
inserting after the word "in" the words "not later than"

**SB 161,** AN ACT relating to a community college at Madisonville.

WHEREAS, Madisonville Cooperative Extension College presently offers a one year program; and

WHEREAS, Madisonville Cooperative Extension College, which was started in 1960, is presently being served by the University of Kentucky, Western Kentucky University and Murray State University; and

WHEREAS, the Council on Public Higher Education has recommended that Madisonville Cooperative Extension College be made part of the University of Kentucky Community College System;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.591 is amended to read:

A Community College shall be maintained in each of the following locations: Ashland, Covington, Cumberland, Elizabeth-

town, Henderson, Hopkinsville, *Madisonville*, Prestonsburg, Somerest, Blackey-Hazard, Jefferson County, and Mason County.

Section 2. The sum of three hundred thirty thousand dollars is hereby appropriated from the General Expenditure Fund of the State Treasury for the biennium of 1968-1970 in order to effectuate the purposes of this Act.

**HB 326,** AN ACT relating to special education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 157.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Exceptional children" means children who differ or deviate from the average or normal children in physical, mental, emotional or social characteristics and abilities to the extent that they require specialize education in order to attain the maximum of their abilities and capacities.

(2) "Physically handicapped children" means children, other than those with a speech defect, of sound mind between the ages of three and twenty-one years who suffer from any physical disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools in the school district in which they reside and whose intellectual development is such that they are capable of being educated through a modified educational program.

(3) "Speech defective children" means children between the ages of six and twenty-one whose speech has been diagnosed by a speech correctionist as deviating or differing from average or normal speech to the extent of hindering adequate communication and requiring specialized instruction for improvement or correction of the handicap.

(4) "Educable mentally handicapped *persons* [children]" means *persons* [children between the ages of six and twenty-one years] who because of retarded intellectual development, as determined by recognized standardized tests, are incapable of

being educated profitably and efficiently though ordinary classroom instruction but whose intellectual ability would indicate a degree of scholastic attainment with the benefit of special educational methods, materials, and facilities.

(5) "Trainable mentally handicapped *persons* [children]" are mentally handicapped *persons* [children between the ages of six and twenty-one years] who, because of retarded intellectual development, are incapable of being educated properly and efficiently through ordinary classroom instruction or special education facilities for educable mentally handicapped children, but who may be expected to benefit from training in a group setting designed to further their social adjustment and economic usefulness in their homes or in a sheltered environment.

(6) "Special education facilities" means special schools, special classes, and special instruction. All special education facilities shall be under the supervision of the Superintendent of Public Instruction.

Section 2. Section 157.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) If parents of, *or other persons responsible for,* as many as eight trainable mentally handicapped *persons* [children] living in a school district desire special education classes for *those pesons* [their children], school boards of any school district shall establish and maintain such classes, subject to any limitation specified in KRS 157.200 to 157.280 and regulations of the State Board of Education.

(2) School boards of any school district may, subject to any limitation specified in KRS 157.200 to 157.280, establish and maintain special education programs for exceptional children who are residents of their school district, and such children, residents of other school districts, as may be authorized by KRS 157.240 to 157.295.

(3) School boards of any school district may admit on preapproval and certification any physically handicapped child into special education programs at any time after the child has attained the age of three years.

(4) School boards of any school district may admit on proper approval and certification any educable or trainable mentally handicapped *person* [child] into special education programs at any time after the *person* [child] has attained the age of six years; provided, however, that educable and trainable mentally handicapped *persons* [children] shall not be enrolled in the same special class.

Section 3. Section 157.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) No physically handicapped child shall be allowed special education facilities except upon a certified diagnosis of a physical defect by competent and appropriate professional authorities acceptable to the Superintendent of Public Instruction.

(2) The Director of Special Education, upon the approval of the Superintendent of Public Instruction, shall prescribe rules, regulations and tests for determining what *persons* [children] shall be classified as educable mentally handicapped or trainable mentally handicapped, and questionable cases shall be decided by the director after adequate examination and consideration of specific case histories: Provided, however, that age shall not prevent any person from being so classified.

Section 4. Section 157.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the number of children in one classification of exceptionality in a district is not sufficient to justify a special education program in that district, or if a school district does not provide a special education program, the board shall provide instruction by contract with another county or independent district that maintains an approved special education program for the type *person* [child]. When a district undertakes, under operation of a tuition contract or of law, to provide in its classes for these pupils residing in another district, the district of their residence shall share the total cost of the special education program in proportion to the number of pupils or in accordance with contract agreement between the two districts.

(2) The school board of the school district in which any

*pupil* [child] resides shall pay for his transportation to the class in the other school district, cost not to exceed three hundred dollars for one school year, unless the school board of the other district provides his transportation to the class, in which case the cost of transportation will be included in the total cost of the special education facility.

Section 5. Section 157.295 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Superintendent of Public Instruction shall employ two additional supervisors for the purpose of testing and classifying the mentally retarded, and two additional supervisors to supervise programs for all other exceptional *pupils* [children]. The Superintendent of Public Instruction shall allot fifty-three units in the fiscal year 1962-63, and one hundred and eight units in the fiscal year 1963-64 for such purpose, in addition to the number of units allotted and limited by House Bill 40, Section C, page 11, line 19, to exceptional children.

**HB 110,** AN ACT relating to higher education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.020 is amended to read:

The Council on Public Higher Education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the Governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute.

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council

shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions. *In determining the fees for non-Kentucky residents the council shall select the highest non-resident entrance and/or registration fee charged by a state college or university in each adjoining state, and shall average those fees. The entrance and/or registration fees established for non-Kentucky residents shall be no lower than that average fee.*

(4) Consider the requirements and review the budget requests of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and the anticipated available resources for higher education. The individual institutions' budget requests, including tuition and/or registration fee schedules for all categories of students, along with council recommendations, shall be submitted to the Governor through the Department of Finance not later than November 15 of each odd numbered year.

(5) Require such reports from the executive officer of each of such institutions as it deems necessary for the effectual performance of its duties.

(6) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(7) Approve all new professional schools and review and make recommendations to the Governor regarding proposed new community colleges and four-year colleges.

(8) Approve curricula for teacher education.

(9) Elect a chairman annually from the voting membership. The council shall appoint an executive director and such staff as may be necessary; and their salaries shall be determined in the same manner as other state employes.

(10) Shall constitute the representative agency of the Commonwealth in all matters of higher education of a general and

state-wide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

The Committee Substitute to **HB 110** is as follows:

**Committee Substitute HB 110,** AN ACT relating to higher education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 164.020 is amended to read:

The Council on Public Higher Education in Kentucky shall:

(1) Engage in analyses and research to determine the overall needs of higher education in the Commonwealth.

(2) Develop and transmit to the Governor comprehensive plans for public higher education which meet the needs of the Commonwealth. The plans so developed shall conform to the respective functions and duties of the state colleges and universities, the community colleges, and the University of Kentucky as provided by statute.

(3) Determine the amount of entrance and/or registration fees and approve the qualifications for admission to the public institutions of higher education. In determining the entrance and/or registration fees for non-Kentucky residents, the council shall consider the fees required of Kentucky students by institutions in adjoining states, the resident fees charged by other states, the total actual per student cost of training in the institutions for which the fees are being determined, and the ratios of Kentucky students to non-Kentucky students comprising the enrollments of the respective institutions; *provided, that, the ratio of non-Kentucky resident undergraduate students in each institution shall not exceed twenty percent of the total undergraduate enrollment in that institution. A non-Kentucky resident student*

*shall remain in a non-resident status until the student produces affirmative, sworn proof of permanent residence in Kentucky. In determining the fees for non-Kentucky residents the council shall set the non-resident fee at that fee which would be the highest among the three fees determined by using each of the following methods:*

*(a) The council shall select the highest non-resident entrance and/or registration fee charged by a state college or university in each adjoining state, and shall average those fees. The entrance and/or registration fees established for non-Kentucky residents shall be no lower than that average fee.*

*(b) The tuition fixed for any non-resident student to each institution shall be at least equal to the maximum tuition charged non-resident students at any state supported university of the state in which the student resides, unless such tuition is less than the minimum tuition fixed for non-resident students attending the state supported institutions of higher learning in Kentucky, in which event such non-resident shall pay the greater amount.*

*(c) There shall be no less than a six hundred dollar difference between resident fees and non-resident fees per school year.*

(4) Consider the requirements and review the budget requests of the institutions of public higher education as to their appropriate level of support considering the functions of the institutions and the anticipated available resources for higher education. The individual institutions' budget requests, including tuition and/or registration fee schedules for all categories of students, along with council recommendations, shall be submitted to the Governor through the Department of Finance not later than November 15 of each odd numbered year.

(5) Require such reports from the executive officer of each of such institutions as it deems necessary for the effectual performance of its duties.

(6) Publish annually a report of the educational and financial affairs of the institutions and disseminate other information relating to higher education.

(7) Approve all new professional schools and review and make recommendations to the Governor regarding proposed new community colleges and four-year colleges.

(8) Approve curricula for teacher education.

(9) Elect a chairman annually from the voting membership. The council shall appoint an executive director and such staff as may be necessary; and their salaries shall be determined in the same manner as other state employes.

(10) Shall constitute the representative agency of the Commonwealth in all matters of higher education of a general and state-wide nature which are not otherwise delegated to one or more institutions of higher learning. Such responsibility may be exercised through appropriate contractual relationships with individuals or agencies located within or without the Commonwealth. The authority includes but is not limited to contractual arrangements for programs of research, specialized training, and cultural enrichment.

The Committee on Education reported **HB 297** without expression of opinion.

The Committee on Judiciary reported **HB 316,** with Committee Amendment attached thereto, **HB 179,** and **HB 218** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 316,** AN ACT relating to instruments which convey or encumber real property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) No real property, or any interest therein or lien thereon, shall be conveyed, encumbered, assigned, or otherwise disposed of by any instrument in which the name of the grantor does not appear identically as it appeared in the recorded instrument or instruments by which title to the property was acquired. In the event the grantor's name is not the same as shown in the instrument by which title was acquired, then the instrument conveying or encumbering the property shall contain

a recital of the other name immediately following the name of the grantor.

(2) In every instance where the recital of the other name is made in compliance with the provisions of subsection (1) of this section, the county clerk shall index the instrument under both names.

(3) Delivery of an instrument that does not comply with subsection (1) of this Act shall not be accepted by the grantee, and, if lodged for record, shall not constitute notice to bona fide purchasers.

Section 2. This section shall not apply to any instrument executed or acknowledged prior to July 1, 1968.

Committee Amendment to **HB 316** is as follows:

Amend printed copy of House Bill 316 on page 1, line 10, by: inserting after the word "grantor." the following sentence: "The grantor shall sign the instrument conveying or encumbering the property with his legal name at the time of execution of the instrument."

**HB 179**, AN ACT relating to the practice of law by police judges and amending KRS 30.130.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 30.130 is amended to read as follows:

No partnership for the practice of law shall exist between an attorney and a circuit clerk, county clerk or judge of any court, except that in cities of the *second*, third, fourth, fifth and sixth classes the police judge may form a partnership for the practice of law with *other* [an] *attorneys* [attorney].

**HB 218**, AN ACT relating to court reporters.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 28.450 is amended to read as follows:

Reporters for circuit courts *of continuous session other than those covered by KRS 28.440* [in counties containing a city of the second class and having two or more judges,] shall receive for services in taking stenographic notes, a salary of not less than five thousand dollars per annum, to be fixed by the fiscal court of said county and paid in monthly installments by the county.

The Committee on Judiciary reported **HB 166,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

The Committee Substitute to **HB 166** is as follows:

**Committee Substitute HB 166,** AN ACT relating to conveyances.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. All deeds for property acquired by the state under the authority of KRS Chapter 177 or KRS Chapter 416, for the purpose of constructing or improving public roads, shall contain a description of the property by metes and bounds. The grantee shall file with the deed an accurate map of the boundaries of the property, made by a competent surveyor.

Section 2. No county clerk or deputy shall receive and permit to be lodged for record any deed to the state for property acquired under the authority of KRS Chapter 177 or Chapter 416, for the purpose of constructing or improving public roads, which does not contain a metes and bounds description and is not accompanied by a map as required by Section 1 of this Act.

The Rules Committee reported **HR 13, HR 30, HB 79, HB 177, HB 82, HB 271, HB 285, HB 286, HB 107, HB 122, HB 205, HB 247, HB 208, HB 250** and **HB 260** with the expression of opinion that the same should pass.

**Calendar**

**HB 128, HB 246** and **HB 169** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a

majority of members elected. Ordered placed in Orders of the Day.

### Senate Message

Announcing passage of **SB 42.**

### Motions, Petitions, and Communications

Representative Clapp moved that **HB 3** be taken from the Committee on Highways and Traffic Safety and given first reading.

The Speaker vacated the Chair.
Representative Mitchell presiding.
The Speaker resumed the Chair.
Representative Clapp withdrew the motion that **HB 3** be taken from the Committee on Highways and Traffic Safety and given first reading. Agreed.

Representative Mitchell moved that the Rules be suspended for the introduction of a Bill. Agreed.

### Introduction of Bills and Resolutions

**HB 391,** by Representatives Mitchell and Hopkins: AN ACT authorizing lump sum expense allowances to county judges.

### Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1** with Committee Amendment attached thereto, and **HB 9** with Committee Substitute attached thereto, be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Morgan moved that **HB 117** be taken from Orders of the Day and placed upon its passage.

Representative Denham moved that **HB 117** be recommitted to the Committee on Education. Agreed.

Representative Morgan moved that consideration of **HB 261** and **HB 112** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 123**, with Committee Amendment No. 1 attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hinkle moved the adoption of Committee Amendment No. 1 to **HB 123.** Agreed.

Representative Clark moved the adoption of the following Amendment No. 2 to **HB 123**:

Amend printed copy of House Bill 123 on page 6, line 5, by: inserting the following sentence after the words "retirement system.":

*"The board shall employ an experienced competent investment counselor to advise it on all matters pertaining to investment."*

Agreed.

On the roll call the vote was yeas 89—Akers, Alexander, Allen, Arnett, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 123** as amended was passed and the title agreed to.

Representative Hinkle moved that the vote by which **HB 123** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 197** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that

it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Harper moved the adoption of the following Amendment to **HB 197:**

Amend printed copy of House Bill 197 on page 1, lines 8 & 9, by:

removing the bracket before the word "not" and following the word "dollars" and putting brackets around the word "three" on line 9 and inserting following the word "exceeding" the word *"ten"*

Agreed.

On the roll call the vote was yeas 61—Akers, Arnett, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Clapp, Coffey, Cox, Cruse, Curlin, Denham, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Isler, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Murphy, Pettit, Prather, Russell Reynolds, Richey, Rickert, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Webster, Wesley, Wheeler, White, Wooley, Wright. Nays 8—Alexander, DeMarcus, James, McBrayer, Peace, W. J. Reynolds, Vanover, Walters.

**HB 197** as amended was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 197** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 160** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Blume moved that **HB 160** be recommitted to the Committee on Labor and Industry.

The Speaker vacated the Chair.

Speaker Pro Tem McBrayer presiding.

The Speaker resumed the Chair.

Representative Walters moved the Previous Question on **HB 160.**

Representative Walters withdrew the motion on the Previous Question on **HB 160.** Agreed.

On the roll call the vote was yeas 20—Blandford, Blume, Blythe, Clapp, Curlin, James A. Davis, Henry, James, Lankford, Louden, McBrayer, McCallum, Mitchell, Pettit, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Tobin, Webster. Nays 55—Arnett, Ball, Ballenger, Bamberger, Bleemel, Bowles, Brown, Clark, Cox, Cruse, W. F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones, Keith, Kessinger, King, Lassiter, Lawson, Maddox, Massey, McGill, McKinney, McNamara, R. L. Miller, Peace, Rattliff, Richey, Riddle, Siemens, Simmons, Smith, Vanover, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that **HB 160** be recommitted to the Committee on Labor and Industry was rejected.

Representative R. L. Miller moved the Previous Question on **HB 160.**

On the roll call the vote was yeas 3—Lassiter, McCallum, Robert L. Miller. Nays 46—Alexander, Blandford, Bleemel, Blythe, Bowles, Clapp, Clark, J. A. Davis, W. F. Davis, Dawhare, Floyd, Greer, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, James, Lankford, Lawson, McBrayer, McGill, McNamara, Mershon, Morgan, Peace, Pettit, Prather, Ray, Rickert, Riddle, Russell, Sartin, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wesley, Wooley.

The motion on the Previous Question was rejected.

On the roll call the vote was yeas 57—Akers, Allen, Arnett, Ball, Ballenger, Bamberger, Bleemel, Bowles, Brown, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Johnson, Keith, Kessinger, King, Lassiter, Lawson, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Rattliff, Ray, Richey, Riddle, Sartin, Siemens, Smith, Vanover, Walters, Wesley,

White, Wolchik, Wooley, Wright. Nays 24—Alexander, Blandford, Blume, Blythe, Clapp, Curlin, J. A. Davis, Henry, Hunt, James, Jones, Lankford, Louden, McBrayer, Mitchell, Peace, Pettit, Prather, R. Reynolds, W. J. Reynolds, Rickert, Russell, Tobin, Webster.

**HB 160** was passed and the title agreed to.

Representative Cruse moved that the vote by which **HB 160** was passed be reconsidered and said motion be laid on the table. Agreed.

**Report on Enrolled Bills**

The Committee on Enrollment reported **HB 111** had been examined and found correctly enrolled. **HB 111** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

Representative Morgan moved that the House adjourn until 3:00 p.m., Monday, February 19, 1968.

On the roll call the vote was yeas 29—Alexander, Bamberger, Blandford, James A. Davis, Walter F. Davis, Greer, Harper, Hinkle, Hopkins, Irick, Keith, Kessinger, Kidd, King, Lawson, Louden, May, McNamara, Mershon, Robert L. Miller, Prather, Ray, Rickert, Riddle, Sartin, Schmidt, Wells, Wheeler, Wolchik. Nays 3—Blythe, Halleck, Hoe.

The motion to adjourn was adopted.

## MONDAY, FEBRUARY 19, 1968

## THIRTY-NINTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend James A. Shepherd, First Methodist Church, Frankfort.

The roll was called. All present except Representatives Clark, Isler, Johnson, McBrayer, and Saylor.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of February 16, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 392,** by Representatives Morgan and Ball: AN ACT relating to the Judiciary, with particular relation to the compensation of its members.

**HB 393,** by Representatives Akers and Sartin: AN ACT relating to oil wells.

**HB 394,** by Representative Curlin: AN ACT relating to property taxes.

**HB 395,** by Representative Morgan: AN ACT relating to the age of majority.

**HB 396** by Representative Schmidt: AN ACT relating to the issuance of process in criminal cases.

**HB 397,** by Representatives Prather, Harper and Rickert: AN ACT relating to lights on motor vehicles.

**HB 398,** by Representatives Hardin and Pettit: AN ACT relating to planning and zoning.

**HB 399,** by Representatives Morgan and Ball: AN ACT relating to revenue and taxation.

**HB 400,** by Representatives Morgan and Ball: AN ACT relating to appropriations for the operation, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

**HR 55,** by Representative Schmidt: A RESOLUTION urging the Bureau of Public Roads to approve plans for the construction of I-275 and I-471 in Campbell County.

**HR 56,** by Representatives Rickert, Melton, Prather, Tobin and Bleemel: A RESOLUTION relating to an economic feasibility study for a floodwall at West Point, Kentucky.

**Reference of Bills and Resolutions**

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 388.**

Appropriations and Revenue: **HB 374, HB 377, HB 385, SB 214.**

Banking and Insurance: **HB 373, HB 386, SB 169, SB 180.**

Cities: **HB 380.**

Counties and Special Districts: **HB 391.**

Education: **HB 363, HB 364, HB 365, HB 366, HB 383.**

Elections and Constitutional Amendments: **HB 370.**

Health and Welfare: **SB 42.**

Highways and Traffic Safety: **HB 375, HB 387.**

Judiciary: **HB 368, HB 369, HB 384.**

Labor and Industry: **HB 381, HB 382, SB 123.**

Public Utilities and Transportation: **HB 367, HB 371, HB 372, HB 376, HB 379, HB 389.**

State Government: **HB 378, HB 390, HR 52, HR 54, SB 176, SB 177.**

**Recess**

Representative Morgan moved that the House recess until 4:15 p.m. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**Report on Enrolled Bills**

The Committee on Enrollment reported **SB 21** had been examined and found correctly enrolled. **SB 21** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 111** delivered, signed by President. Ordered delivered to the Governor.

**Report of Committees**

The Committee on Judiciary reported **SB 120** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 120,** AN ACT relating to the Eighth Circuit Court District, a court of continuous session consisting of Warren County; creating an additional judge therefor.

WHEREAS, the General Assembly giving due regard to territory, business, population, and the right of all persons to a speedy trial, as provided by the Constitution of this Commonwealth, finds that an additional Circuit Court Judge is necessary in the Eighth Circuit Court District and finds also that it will be convenient and advantageous and will comply with the spirit and intent of the Constitution with respect to the requirements of population and will expedite the business of the court in the county involved to provide for an additional Circuit Judge for this district.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Eighth Circuit Court District shall have two Circuit Judges.

Section 2. The Circuit Court shall be established in two numbered divisions, that is, a First Division and a Second Di-

vision. The present Circuit Judge shall be the judge of the First Division and the additional judge provided for herein shall be judge of the Second Division.

Section 3. (1) Within sixty days after this Act becomes effective the Governor shall appoint a person having the qualifications of a Circuit Judge to preside over the additional authorized division, that is, the Second Division, of the Eighth Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Eighth Circuit Court District, Second Division, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until his successor is duly elected and qualified as provided in subsection (2) of this section.

(2) The office of the Circuit Judge for the Eighth Circuit Court District, Second Division, shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy, that is, the appointee shall hold office until the next annual election to be held on the first Tuesday after the first Monday in November, 1968; and at that election the office shall be filled by election for the remainder of the regular Circuit Judge term as established by Section 129 of the Constitution which will run through the year, 1969; and at the regular election to be held on the first Tuesday after the first Monday in November, 1969 and every six years thereafter, such additional judge shall be elected as Circuit Court judges are required to be elected and shall enter upon their duties of the office on the first Monday in January next succeeding his election. Such elections shall be held in accordance with the provision of KRS 24.075.

Section 4. WHEREAS, the congested docket of the Circuit Court of the said Circuit Court District deprives citizens of this Commonwealth a prompt trial, as guaranteed by the Constitution of this Commonwealth, an emergency is declare to exist, and this Act shall become effective immediately upon its passage and signature by the Governor.

The Committee on Judiciary reported **HB 2,** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

Committee Amendment to **HB 2** is as follows:

Amend printed copy of House Bill 2 on page 1, by:
adding a new section to read as follows:

"Section 2. No testimony other than on temporary motions shall be taken or heard before thirty (30) days have elapsed from the date of the filing of the divorce complaint."

The Committee on Judiciary reported **HB 210** with Committee Amendment attached thereto, and **HB 284** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 210,** AN ACT relating to juries.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 29.135 is amended to read as follows:

(1) At each term of circuit courts having terms, the judge shall, in open court, draw from the drum a sufficient number of names not to exceed *seventy-five* [sixty], to procure twelve persons to act as grand jurors for the next term of court and to secure not less than twenty-four nor more than thirty-two persons to act as petit jurors for the trial of civil and criminal cases at the next term; record the names upon paper, certify and sign it. On the day the persons so drawn to serve as jurors are summoned to attend, the roll shall be called by the clerk, and the names of those persons who attend and are not excused by the court shall be entered of record by the clerk, who shall then write the names of said persons entered of record on identical separate slips of paper and deposit them in a box. After all of said slips have been deposited in said box and well mixed, the clerk of the court shall draw the names of twelve of said persons from the said box and the persons so drawn shall thereafter constitute the grand jury and no member may be replaced except as provided by KRS 29.215. Thereafter the court shall draw from the box, in open court, a sufficient number of names, not less than twenty-four nor more than thirty-six, to act as petit jurors for the trial of civil and criminal cases. Sessions of court having continuous sessions held at the county seat of a county in which there

is a city of the second class at which part of its sessions are authorized to be held, shall be deemed terms of the court within the meaning of this section.

(2) In courts of continuous session, except the court in counties containing a city of the first class, the judge of the court, or if the court has branches, the judge of the criminal branches shall, in open court, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors for the trial of civil and criminal cases, and shall make a written record thereof which he shall certify and sign. On the day the persons so drawn to serve as jurors are summoned to attend, the roll shall be called by the clerk, and the names of those persons who attend and are not excused by the court shall be entered of record by the clerk, who shall then write the names of said persons entered of record on identical separate slips of paper and deposit them in a box. After all of said slips have been deposited in said box and well mixed, the clerk of the court shall draw the names of twelve of said persons from the said box and the persons so drawn shall thereafter constitute the grand jury and no member may be replaced except as provided by KRS 29.215. Thereafter the court shall draw from the box, in open court, a sufficient number of names, not less than twenty-four nor more than thirty-six, to act as petit jurors for the trial of civil and criminal cases. In the civil branch of such court, the provisions of this subsection shall apply except that the court shall not draw in excess of sixty names of persons to act as petit jurors if there is a separate criminal branch.

(3) In circuit courts of counties containing a city of the first class, the judge of the criminal branch shall, on a day at least two weeks next before the day upon which they shall be summoned to appear, draw from the drum a sufficient number of names in the discretion of the court, not to exceed seventy-two, to procure twelve persons to act as grand jurors and not less than twenty-four, nor more than thirty-two, persons to act as petit jurors, and shall make a written record thereof, which he shall certify and sign. In the civil branches of such courts, the pro-

visions of this subsection shall apply, except that the judge of each civil division requiring the services of a petit jury shall not draw more than sixty persons to act as petit jurors.

(4) If the criminal branch of said court contains more than one division, then the judges of the respective criminal divisions shall, insofar as possible, alternate by the month, in drawing and impaneling the grand jury.

(5) If, in the opinion of the judge, because of the particular nature or notoriety of a pending case, or for other reasons, it is deemed advisable by the court to have more jurors available at a particular time, the court may, by order entered of record, provide for the summoning of as many more qualified persons to act as petit jurors as the court may deem necessary to secure a petit jury for the trial of such action or actions.

(6) The court may, if a surplus number of jurors appear on the date when summoned, excuse any number of them in its discretion until such day as they may be ordered to report for jury service.

(7) A petit jury or petit jurors drawn by the judge of one branch or division of the court may be used by the judge of another branch or division of the court.

(8) If the day on which the drawing of jurors is prescribed to be done is a holiday, the judge shall draw the names on the following day.

(9) The judge shall not destroy the slips drawn from the drums until the persons who are to serve as jurors have been selected. The slips containing the names of those excused because of temporary disability shall be returned to the drum. The lists and slips shall be kept secret by the judge and the clerk until such time as the list is delivered to the sheriff as provided in KRS 29.175.

(10) Any departure from the procedure set out in any of the foregoing subsections shall create sufficient cause for challenge to the entire panel.

Committee Amendment to **HB 210** is as follows:

Amend printed copy of House Bill 210 on page 1, line 6, by:

striking out the words "thirty-two" and inserting in lieu thereof "thirty-six"

and on page 2, line 21 by striking out the words "thirty-two" and inserting in lieu thereof the words "thirty-six"

**HB 284**, AN ACT relating to estates of decedents.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS Supp. (1966) 391.030 is amended to read:

(1) Where any person dies intestate as to his personal estate, or any part thereof, the surplus, after payment of funeral expenses, charges of administration and debts, shall pass and be distributed among the same persons, and in the same proportions, to whom and in which real estate is directed to descend, except as follows:

(a) The personal estate of an infant shall be distributed as if he had died after full age.

(b) An alien may be a distributee as though he were a citizen.

(c) Personal property or money on hand or in bank to the amount of $1500 shall be exempt from distribution and sale and shall be set apart by the *county court having jurisdiction over the estate on application* [appraisers of the estate of an intestate] to his widow and infant children, or, if there is no widow, to his infant children surviving him. *A like amount of $1500 of property or cash shall be exempt from distribution and sale and shall be set apart on application to the surviving infant children of a widow who dies intestate.*

*(2)* The widow of any deceased person may, at any time before *the property or money is set apart by the court* [the appraisers and the administrator of his estate are appointed], procure on petition from the judge of the county court having jurisdiction over administration of his estate, an order authorizing her to withdraw from any bank or other depository [or depositories] not exceeding $500 belonging to the estate of the deceased. Upon presentation of the order, the bank or depository shall permit her to withdraw the sum and shall lodge the order, endorsing

thereon the amount withdrawn, with the clerk of the county court, and he shall *retain it in his files to be considered in connection with further proceedings in the estate and the withdrawal shall be treated* [deliver it to the appraisers when they are appointed, who shall treat the same] as a charge against the property of the estate exempt from distribution. [A like amount of $1500 of property or cash shall be exempt from distribution and sale and shall be set apart by the appraisers to the surviving infant children of a widow who dies intestate.]

*(3) In her application for the setting apart of property or money under this section the widow may make her selection out of the property of the estate to the extent that the value of the property selected does not exceed the amount of $1500.* [(2) The appraisers shall state in their appraisement the money or the articles and value of each, set apart by them to the widow or infants, separately from the articles appraised for sale. If the widow or anyone authorized by her in writing is present at the time of appraisement, she may make her selection out of the property appraised to the amount of $1500 and the appraisers shall so report.]

*(4)* [(3)] This section applies to cases where the husband dies testate and the widow renounces the provisions of the will as provided by KRS 392.080.

Section 2. Subsection (2) of KRS 64.310 and KRS 395.180 are repealed.

The Committee on Appropriations and Revenue reported **HB 134** with Committee Amendment attached thereto, and **HB 230** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 134,** AN ACT relating to county boards of registration and purgation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 117.795 is amended to read as follows:

(1) In counties containing a first-class city, each member of the county board of registration and purgation shall receive compensation of not less than $1200 per year, the exact amount to be fixed by the fiscal court and paid monthly. In all other counties, each member of the county board, and the secretary thereof, shall receive compensation of *twenty* [fifteen] dollars per day for each day in session, and in addition, the secretary may receive compensation for fifteen days while the board is not in session. The compensation of members of county boards of registration and purgation in counties other than those containing a city of the first class shall be paid one-half by the fiscal court and one-half by the state. No board member shall be paid for more than thirty-four days in each year.

(2) The county board of registration and purgation shall meet:

(a) Not more than ten days each year in counties having less than ten thousand population;

(b) Not more than sixteen days each year in counties having a population of not less than ten thousand nor more than fifteen thousand;

(c) Not more than twenty-five days each year in counties having a population of not less than fifteen thousand nor more than twenty thousand;

(d) Not more than thirty-four days each year in counties having more than twenty thousand population that do not have a city of the first class, for five days after the closing of registration books before each primary election, for five days after the closing of registration books before each general election for twenty-days at any other time of the year when the registration books are open, provided that no part of the twenty-day period shall occur later than seventy-nine days before the May primary election or the general election, and for the performance of the duties set out in KRS 117.850, for two days after the registration books are opened following each primary election.

(3) In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges contin-

uously from the date that the registration books are closed before any primary or regular election, but in all counties the purgation must be concluded at least twenty days before any primary or general election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meetings are given written notice of its time and place.

(4) If any county board fails to meet as herein required and fails to make a diligent effort to effect an adequate purgation, then any citizen of the county may prefer charges against said board before the state board, which charges shall be heard and disposed of within five days after notice has been given to the county board for five days. If after the hearing the state board determined that the county board has failed to make a diligent effort to effect an adequate purgation, the state board shall direct the county board to act, and in the event the county board fails to act within fifteen days, the state board shall declare all positions on the county board vacant and appoint a new board. If the state board fails to act on said charges as herein provided then said citizen may apply for a summary mandatory order to the circuit court judge of the county.

Committee Amendment to **HB 134** is as follows:

Amend printed copy of House Bill 134 on page 10, lines 7, 8, by:

striking lines 7 and 8 and substituting therefor the following:

"thereof, shall receive compensation of *not less than* fifteen *nor more than twenty* dollars per day for each day in session, *to be set by the fiscal court,* and in addition, the secretary"

**HB 230,** AN ACT relating to traveling expenses of state officers and employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 44.060 is amended to read:

When any state officer, member of a state board or commission, or any subordinate officer, agent or employe thereof

is authorized by law to and does incur, in the discharge of his official duties, any expense incident to traveling in his own motor vehicle, the amount allowed for such expense shall be fixed by the Commissioner of Finance not to exceed *ten* [eight] cents per mile over the nearest traveled route over which he has traveled, which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.

The Committee on Highways and Traffic Safety reported **HB 3,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 3,** AN ACT relating to motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS Supp. (1966) 189.641 to 189.659 and 189.995 are repealed.

Section 2. KRS Supp. (1966) 189.730 is amended to read:

(1) The commissioner, uniformed officers and troopers of the Department of Public Safety and Department of Motor Transportation and such other officers and employes of the department [and any other peace officer,] as the commissioner may designate, may, at any time, upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such motor vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

(2) In the event such vehicle [with a valid inspection sticker] is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send one copy to the Department of Public Safety. Said notice shall require that such motor vehicle be placed in safe condition and its equipment in proper repair and adjustment within a period of *forty-eight hours* [five days] or else remove

said motor vehicle from the public highways and not operate the same on the highways until said motor vehicle is repaired and placed in a safe condition.

[(3) No person driving a motor vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the commissioner, or an authorized employe of the department, or an authorized peace officer.

(4) No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection (2) except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and 189.994.

(5) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose.]

*(3)* [(6)] In the event the use of such vehicle in its present condition would, in the reasonable judgment of the *arresting* officer, endanger the life of any member of the public, the officer shall require the vehicle to be parked, at the owner's expense, and not operated until it is placed in a safe condition.

Section 3. A new section of KRS is created to read:

No person, corporation, partnership or others engaged in the repair of motor vehicles shall issue any bill, receipt or other form certifying or indicating a completion of the repairs as required by KRS 189.730 when, in fact, such repairs have not been wholly and finally accomplished.

Section 4. A new section of KRS is created to read:

(1) Any person who has been given a written notice as provided in subsection (2) of KRS 189.730 and who fails to take proper action thereon shall be guilty of a misdemeanor, and upon conviction thereof shall for the first offense be punished by a fine

of not more than one hundred dollars or by imprisonment for not more than ten days; for a second conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than twenty days, or both; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

(2) Any person who violates Section 3 of this Act shall be guilty of a misdemeanor, and shall be subject, upon conviction, to the penalties provided in subsection (1) of this section.

The Committee Substitute to **HB 3** is as follows:

**Committee Substitute HB 3,** AN ACT relating to motor vehicle inspection.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.020 is amended to read:

(1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with regulations issued by the department, except that a person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from another state shall make application for registration within five days. The bill of sale must be in the motor vehicle during this five day period. If the owner of a motor vehicle is an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he resides. If the owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of either such county. The application when presented to the county clerk for registration shall be accompanied by:

(a) A bill of sale and a manufacturer's certificate of origin if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership, *and*

*(e) If the application is for registration of a motor vehicle not previously registered in this Commonwealth or if the application is for registration pursuant to transfer of ownership of a motor vehicle, the applicant shall produce proof that an official certificate of inspection and approval as provided in KRS 189.641 to 189.647, 189.651 to 189.659 has been obtained for such vehicle within twelve months next before the application.*

(2) After that, the owner of any motor vehicle registered under KRS 186.050 (1) and (2) shall register his motor vehicle on or before March 1 of each year. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(3) After that, the owner of any commercial vehicle registered under KRS 186.050 (3) through (13) shall register his commercial vehicle on or before April 1 of each year. If, before operating such commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(4) The application and documents presented therewith shall be retained on file in the office of the clerk for a period of not less than seven years.

Section 2. KRS 189.641 is amended to read as follows:

As used in KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], unless the context otherwise requires:

(1) "Department" means the Department of Public Safety;

(2) "Commissioner" means the Commissioner of the Department of Public Safety;

*(3) "Dealer" means a motor vehicle dealer as defined in KRS 190.001 (1);*

*(4) "Valid inspection sticker" means an inspection certificate affixed as provided in KRS 189.647 (3) within twelve months last past.*

Section 3. KRS 189.643 is amended to read as follows:

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment upon such vehicle is in good working order and adjustment as required in KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Section 4. KRS 189.645 is amended to read as follows:

(1) *No person shall sell or trade any motor vehicle, trailer, semitrailer or pole trailer, except to a dealer, unless such motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, shall have been inspected for safety and an official certificate of inspection and approval obtained therefor within one year next before such sale or trade.* [Every motor vehicle, trailer, semitrailer and pole trailer registered in the Commonwealth shall be annually inspected for safety and an official certificate of inspection and approval shall be obtained for each such vehicle.]

(2) Such inspections shall be made and such certificates obtained with respect to the brakes, lights, turn signals (if any), steering, sound devices, glass, mirror, exhaust system, windshield wipers, and tires.

(3) In the event repair or adjustments of any vehicle or its equipment is found necessary upon inpection, the owner of said vehicle may obtain such repair adjustment at any place he may choose, within *ten* [five] days but in every event an official certificate of inspection and approval shall be obtained from an official pemit holder within *ten* [five] days before such vehicle shall be operated upon the highways of this Commonwealth. The fee shall be collected at the time of the original inspection. No additional fee shall be charged if vehicle is repaired and returned to same inspection station within *ten* [five] days.

(4) The department *may* [shall] suspend the registration of any vehicle which is determined to be in such unsafe condition as to constitute a menace to safety, or which after notice and demand is not equipped as required by KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], or for which a required certificate has not been obtained.

(5) The commissioner may, by regulation, authorize the acceptance in the Commonwealth of a certificate of inspection and approval issued in another state having an inspection law similar to this Commonwealth. [and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this Commonwealth during the time an inspection was required.]

Section 5. KRS 189.647 is amended to read as follows:

(1) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department to the owner of a vehicle only upon inspecting such vehicle and determining that its equipment required by KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], is in good condition and proper adjustment. A record and report shall be made of every inspection and every certificate issued. These records shall be forwarded to the department at such times as the commissioner, by regulations shall specify. *Official proof of issuance of the certificate of approval, on a form approved by the department, shall be furnished to the owner at the time the certificate is issued.*

(2) The fee for inspection, including the issuance of the certificate of approval shall not exceed $2.50. No certificate of approval shall be issued until and unless the prescribed inspection is completed and the permit holder has complied with the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

(3) The appropriate inspection certificate shall be placed in the lower right-hand portion of the front windshield at the conclusion of each inspection by the person performing the inspection.

Section 6. KRS 189.651 is amended to read as follows:

(1) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection *or official proof of issuance thereof.*

(2) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.

(3) No unauthorized person shall knowingly possess vehicle inspection stickers *or official proof of issuance thereof.*

(4) No permit for an official station shall be assigned or transferred or used at any location other than therein designated and permits shall be posted in a conspicuous place at the location designated.

*(5) No person shall register or attempt to register any vehicle pursuant to KRS 186.020 by presenting any proof of issuance of a certificate of approval, knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.*

Section 7. KRS 189.653 is amended to read as follows:

(1) The department shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspection of motor vehicles as herein required. An annual fee, set by regulation of the department, shall not exceed twenty-five dollars and shall accompany the application for a

permit. If a permit is not issued, one-half of the fee shall be returned to the applicant. The official certificates of inspection and approval shall be obtained from the department at a cost not to exceed twenty-five cents per certificate. All fees collected by the department under KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 *and 189.995* [to 189.994] shall be put into the State Treasury and credited to a revolving fund for use by the department in the enforcement of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

(2) Application for a permit shall be made upon an official form and shall be granted only when the department is satisfied that the garage or service station is properly equipped and has competent personnel to make such safety inspections and that they will be properly conducted.

(3) The commissioner shall supervise and cause inspections to be made of such stations, and shall revoke the permit issued to a station which he finds is not properly conducted. The department shall maintain lists of all stations holding permits and of those whose permits have been revoked. No permit shall be granted or revoked solely or partially because of race, religion or political affiliation.

Section 8. KRS 189.655 is amended to read as follows:

(1) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

(2) All signs or posters pertaining to the safety inspection program to be used by an official station shall be approved by the department before being distributed or posted.

(3) No person other than a duly authorized permit holder, or appointed employe of the permit holder, shall issue a certificate of inspection and approval *or official proof of issuance of such certificate.*

Section 9. KRS 189.657 is amended to read as follows:

[(1) The commissioner may, with the approval of the Governor, extend the time for not more than sixty days for any of the inspections required by KRS 189.641 to 189.647, 189.651

to 189.659, 189,730 and 189.994, in any case, where weather conditions of the highways or any other cause whatsoever renders compliance with the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 198.730 and 189.994 within the prescribed time difficult or impossible for a large number of persons.

(2)] The commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

Section 10. KRS 189.659 is amended to read as follows:

(1) The department shall issue a permit under the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994] to any operator of commercial vehicles who carries out a safety program meeting the approval of the department.

(2) All vehicles operated in interstate commerce and subject to the safety regulations adopted by the Interstate Commerce Commission or other vehicles which are required by regulation to submit to stricter and more frequent safety inspections shall be exempt from the effects of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994]. A motor vehicle which was manufactured prior to 1932 and which is used primarily for exhibition in shows, parades, tours and other special uses but not for general transportation is exempt from the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

Section 11. KRS 189.730 is amended to read as follows:

(1) The commissioner, uniformed officers and troopers of the Department of Public Safety and Department of Motor Transportation and such other officers and employes of the department and any other peace officer, as the commissioner may designate, may, at any time, upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such motor vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

*(2) In the event such vehicle does not bear a valid inspection sticker, issued within twelve months prior thereto, and there is reasonable cause to believe that the motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, the officer shall give written notice to the driver requiring said vehicle to be inspected within ten days thereafter and an official certificate of inspection and approval to be obtained therefor. The officer shall send one copy of such notice to the department.*

*(3)* [(2)] In the event such vehicle with a valid inspection sticker is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send one copy to the Department of Public Safety. Said notice shall require that such motor vehicle be placed in safe condition and its equipment in proper repair and adjustment within a period of *ten* [five] days or else remove said motor vehicle from the public highways and not operate the same on the highways until said motor vehicle is repaired and placed in a safe condition.

*(4)* [(3)] No person driving a motor vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the commissioner, or an authorized employe of the department, or an authorized peace officer. *Provided, however, that no vehicle shall be required to be again submitted to an inspection by an official inspection station while such vehicle bears a valid inspection sticker.*

[(4) No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection (2) except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and 189.994.]

(5) In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of

said vehicle may obtain such repair or adjustment at any place he may choose.

(6) In the event the use of such vehicle in its present condition would, in the reasonable judgment of the officer, endanger the life of any member of the public, the officer shall require the vehicle to be parked, *or immediately taken to an approved inspection station,* at the owner's expense, and not operated until it is placed in a safe condition.

Section 12. KRS 189.995 is amended to read as follows:

(1) Any person who violates any of the provisions of subsection (1) of KRS 189.645 or subsection *(2) or (3)* [(4)] of 189.730 shall be fined not less than one nor more than one hundred dollars.

(2) Any person operating an official inspection station who violates any of the provisions of subsection (4) of KRS 189.651 shall have his permit revoked.

(3) Any person who violates any of the provisions of subsection (3) of KRS 189.655 or subsection (2) *or (5)* of KRS 189.651 or subsection *(4)* [(3)] of KRS 189.730 shall be fined not less than one hundred nor more than five hundred dollars.

(4) Any person who violates any of the provisions of subsection (1) of KRS 189.655 or subsection (3) of KRS 189.651 shall be confined in the penitentiary for not less than one nor more than five years.

(5) Any person who violates any of the provisions of subsection (1) of KRS 189.651 shall be fined not less than five hundred nor more than five thousand dollars or shall be confined in the penitentiary for not less than one nor more than ten years.

Section 13. Whereas confusion among members of the public may result, and the administration of the provisions of this Act will be rendered more difficult, unless such provisions take effect immediately, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

## Calendar

**SB 126, HB 218, HB 179, HB 316** with Committee Amendment attached thereto, **HB 110** with Committee Substitute attached thereto, **HB 326, HB 293** with Committee Amendment attached thereto, **SB 161, HB 70** with Committee Substitute attached thereto, **HB 335, HB 243** with Committee Amendment attached therto, **HB 325** and **HB 170** with Committee Amendments attached thereto taken from the Calendar and ordered read at length for the second time. Representative Morgan movd that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

Representative Louden moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 401,** by Representatives Louden, King, Webster, Lawson, Keith, James, Mershon, R. L. Miller, Murphy, McKinney, Blandford, W. J. Reynolds, Bamberger, Akers, Ray and Cox: AN ACT relating to Community Colleges.

**HB 402,** by Representative McCallum: AN ACT relating to youth corrections.

**HB 403,** by Representative King: AN ACT relating to parimutuel betting.

**HB 404,** by Representatives Hunt, Hoffman, Curlin, Keene, Tobin, Blume and Mitchell: AN ACT providing for the creation of public foundations, and regulating their use.

**HB 405,** by Representatives Hunt, Curlin, Tobin, Blume and Mitchell: AN ACT relating to state lands and buildings.

**HB 406,** by Representatives Hunt, Curlin and Blume: AN ACT relating to Medical and Osteopathic licensure.

**HR 57,** by Representative Maddox: A JOINT RESOLUTION directing payment to Roy Dillard in order to reimburse him for uncashed checks issued in his favor by the State Treasurer.

**HB 407,** by Representative Morgan: AN ACT relating to revenue and taxation.

### Motions, Petitions, and Communications

**HR 55:** A RESOLUTION urging the Bureau of Public Roads to approve plans for the construction of I-275 and I-471 in Campbell County.

WHEREAS, no part of the construction of the urgently needed Interstate Highway System in Campbell County, Kentucky, has been started even though over ten (10) years have elapsed since its inception; and

WHEREAS, I-275, the Circle Freeway, and I-471, the Urban Connector, have been approved as a part of Metropolitan Cincinnati O-K-I Regional Transportation System; and

WHEREAS, the Kentucky Department of Highways has had plans prepared and has purchased many parcels of rights-of-way on both projects; and

WHEREAS, there have been many long delays in getting final approval from the Federal Bureau of Public Roads because of the Revised Safety Standards and from other agencies involved in Ohio River bridge construction; and

WHEREAS, these projects are so far advanced and revision would require almost complete re-design, greatly increase costs and result in unduly long delays; and

WHEREAS, these projects are in an urban area where wider rights-of-way are almost prohibitive, especially on I-471; and

WHEREAS, we believe the present plans are safe for use in urban areas where speeds are lower if operational traffic changes are added; and

WHEREAS, these projects have been programmed and promised for completion prior to 1972;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

**Section 1.** That the United States Bureau of Public Roads be and it hereby is urged and requested to give final approval to plans submitted by the Kentucky Department of Highways for the construction of Interstate-275 and Interstate-471 in Campbell County, Kentucky, at the earliest possible date.

**Section 2.** That copies of this resolution be sent to Mr. Allen S. Boyd, Secretary of Transportation; Mr. Francis C. Turner, Director, Bureau of Public Roads; Mr. Lowell K. Bridwell, Federal Highway Administrator; and Mr. William B. Hazelrigg, Commissioner, Kentucky Department of Highways.

Representative Schmidt moved the adoption of **HR 55.** Agreed.

Representative Wells moved that **HB 12** be taken from the Committee on Labor and Industry and given first reading.

On the roll call the vote was yeas 44—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Blythe, Bowles, Cox, Cruse, Dawhare, Denham, Floyd, Harper, Hinkle, Hoe, Holbrook, Huff, James, Jones, Keene, Keith, Lawson, Louden, McNamara, Melton, Robert L. Miller, Mitchell, Peace, Prather, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Wells, White, Wolchik, Wright. Nays 16—Blandford, Blume, Brown, Halleck, Hoffman, Irick, Justice, Kidd, Lankford, Mershon, Morgan, Murphy, Pettit, Siemens, Vanover, Walters.

The motion that **HB 12** be taken from the Committee on Labor and Industry and given first reading was rejected.

## Senate Message

Announcing passage of **SB 31** and **SB 86.**

Representative DeMarcus moved that **HB 23** be taken from the Committee on Rules and posted for passage.

On the roll call the vote was yeas 35—Baker, Ballenger, Bamberger, Blythe, Coffey, Cruse, DeMarcus, Floyd, Greer, Harper, Hoe, Huff, James, Jones, Kessinger, Lawson, McKinney, Melton, Clarence R. Miller, Rattliff, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Webster,

Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 45—Akers, Alexander, Allen, Arnett, Ball, Blandford, Bleemel, Blume, Brown, Bruce, Carroll, Clapp, Cox, Curlin, Dawhare, Denham, Hampton, Hardin, Hinkle, Hoffman, Hopkins, Hunt, Irick, Justice, Keene, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McGill, Mershon, R. L. Miller, Mitchell, Morgan, Murphy, Prather, Ray, R. Reynolds, W. J. Reynolds, Rickert, Tobin.

The motion that **HB 23** be taken from the Committee on Rules and posted for passage was rejected.

Representative Morgan moved that the House adjourn until 1:00 p.m., Tuesday, February 20, 1968.

On the roll call the vote was yeas 34—Akers, Alexander, Baker, Ballenger, Bamberger, Blandford, Cox, Curlin, James A. Davis, Hinkle, Irick, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lawson, May, McNamara, Robert L. Miller, Mitchell, Prather, Rattliff, Ray, Rickert, Riddle, Russell, Sartin, Schmidt, Smith, Wesley, Wolchik. Nays 2—Blythe, C. R. Miller.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 20, 1968
## FORTIETH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend J. Carter Roberts, Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Greer, Keene, McGill, Sartin, and Walters.

Representative Lankford moved that absent member be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of February 19, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 408,** by Representatives Cruse, Denham, Harper, Jones, Murphy and Kidd: AN ACT relating to the procurement, processing, distribution or other use of human blood, plasma, blood products, blood derivatives and other issues.

**HB 409,** by Representative Denham: AN ACT relating to county courts.

**HB 410,** by Representative Mershon: AN ACT changing the classification of the City of Villa Hills in Kenton County.

**HB 411,** by Representatives Ball and Morgan: AN ACT relating to criminal law.

**HB 412,** by Representatives Ball and Morgan: AN ACT relating to criminal law.

**HB 413,** by Representatives Arnett, McNamara, Hinkle, Holbrook, Lassiter, Hardin and Allen: AN ACT relating to the Teachers' Retirement System of the State of Kentucky.

**HB 414,** by Representative Bruce: AN ACT relating to homes for the aged or infirm.

**HB 415,** by Representatives Isler and Mershon: AN ACT relating to the appraisal of decedents' estates.

**HR 58,** by Representative Irick: A RESOLUTION expressing the concern of the House of Representatives over the mental health program's need for more state funds in order that the Department of Mental Health may provide more and better services.

**HR 59,** by Representative Richey: A RESOLUTI0N adjourning the House of Representatives on Tuesday, February 20, 1968, in memory of J. T. Divine.

**HB 416,** by Representative Curlin: AN ACT relating to authorized investments.

**HB 417,** by Representatives Irick, Dawhare, May, Lassiter, Lankford, Hampton, Tobin and Webster: AN ACT relating to compulsory school attendance.

**HB 418,** by Represenatives King, Lankford, and Saylor: AN ACT relating to Financial Responsibility of Motor Vehicle Operators.

**HB 419,** by Representative Baker: AN ACT relating to wages.

**HB 420,** by Representatives Pettit and Ball: AN ACT relating to immunization and disease control.

**HR 60,** by Representatives Irick, Wells, Dawhare, May, Lassiter, Lankford, Hampton, Tobin, Webster, Maddox, Alexander and Keith: A RESOLUTION urging the Kentucky High School Athletic Association Delegate Assembly to repeal its ruling lowering the age limit from twenty to nineteen for eligibility of a high school player to participate in high school sports and to reinstate its former ruling providing that a contestant becomes ineligible on his twentieth birthday.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **SB 86.**

Appropriations and Revenue: **HB 392, HB 394, HB 399, HB 400, HB 403, HB 407.**

Education: **HB 401.**

Health and Welfare: **HB 402, HB 406, SB 31.**

Highways and Traffic Safety: **HB 397.**

Judiciary: **HB 395, HB 396.**

Public Utilities and Transportation: **HB 393.**

State Government: **HB 398, HB 404, HB 405, HR 57.**

**Report of Committees**

The Committee on Health and Welfare reported **HB 304, HB 74, HB 307, HB 309, HB 311, HB 312, HB 329** and **HB 347** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 304,** AN ACT relating to birth certificaes of adopted children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 199.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to such proceedings, their attorneys, and representatives of the department except under order of the court expressly permitting inspection. Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed and shall not be open for inspection by any person except on written order of the court. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of adoption. The clerk of the circuit court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(2) After entry of the adoption judgment, the clerk of the circuit court shall promptly report to the Division of Vital Sta-

tistics of Kentucky full information as called for on forms furnished by the Division of Vital Statistics, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Division of Vital Statistics shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL —subject to copy *and/or* [of] inspection only on written order of court."

(3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in accordance with rules and regulations promulgated by the Division of Vital Statistics in the issuing of birth certificates. If the adopted child is under eighteen years of age, the birth certificates shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the natural parent or parents of the child. If no birth certificates is on file for a child born in Kentucky, [or another state,] the Division of Vital Statistics shall prepare a certificate of birth in accordance with the regular procedure for issuing the birth certificate for a child whose original certificate is on file. The Division of Vital Statistics shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section. *In the event the child was born in another state, the order of adoption shall be forwarded to the Division of Vital Statistics of the state concerned to be changed in accordance with the laws of such state.*

(4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(5) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the department and the Division of Vital Statistics of such reversal or modification and the effect of same, and thereupon such division shall make such changes, if any, in its records as may be necessary by such reversal or modification.

**HB 74,** AN ACT relating to illegitimate children.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any woman who gives birth to an illegitimate child for whose support she is receiving payments from state funds, is ineligible to receive any state funds for the support of any other illegitimate children, to whom she may give birth. The provisions of this Act do not prohibit the state or any agency thereof from spending state funds for the support of such illegitimate children in a foster home, boarding home or state institution.

Section 2. Any section of the Kentucky Revised Statutes in conflict with any provision of this Act is hereby repealed.

**HB 307,** AN ACT relating to the Kentucky Children's Advisory Council.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 199.820 of the Kentucky Revised Statutes is amended to read as follows:

There shall be established a Kentucky Children's Advisory Council which shall be attached to the Department of Child Welfare. It shall be composed of *twelve* [eleven] members who are appointed by the Governor, to serve part time for staggered, overlapping four-year terms on the following basis:

(1) One member of the council shall be a diplomate psychiatrist, preferably with experience in child psychiatry, appointed from a list of three names of eligible psychiatrists submitted by the State Association of Diplomate Psychiatrists;

(2) One member of the council shall be appointed from a list of three names submitted by each of the recognized statewide veterans' association;

(3) Two members of the council shall be appointed from a list of three names for each position submitted by the chapters in the state of the National Association for Social Workers;

(4) Two members of the council shall be appointed from a list of three names for each position submitted by the Kentucky Citizens for Child Welfare, Inc.;

(5) One member of the council shall be appointed from a list of three names submitted by the KEA;

(6) One member of the council shall be appointed from a list of three names submitted by the League of Women Voters;

(7) One member of the council shall be appointed from a list of three names of eligible psychologists submitted by the Kentucky Psychological Association;

(8) One member of the council shall be appointed to represent the religions of the Commonwealth;

(9) One member of the council shall be appointed from a list of three names submitted by the Kentucky Welfare Association;[.]

*(10) One member of the council shall be appointed from a list of three names submitted by the Kentucky Federation of Women's Clubs.*

Section 2. Section 199.830 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* At the first official meeting of the commission which shall be held not later than September 30, 1960, all members of the commission shall draw lots to determine the length of term each shall serve so that the terms of three members shall expire at the end of one year, the terms of three members shall expire at the end of two years, the terms of three members shall expire at the end of three years, and the terms of two members shall expire at the end of four years. After the first year all appointments, except those to fill vacancies, shall be for a period of four years. Appointments for successive and unexpired terms shall be made from lists on the same basis as original appointments are made.

*(2) Any new member of the council who may be provided for by the legislature shall serve a four year term and shall be subject to successive terms as provided for in subsection (1).*

**HB 309,** AN ACT relating to a statewide annual conference of judges of the Juvenile Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read:

(1) The Department of Child Welfare is authorized to sponsor annually a Kentucky Conference of Juvenile Court Judges. The purpose of the conference shall be conducting training seminars; dissemination of the latest information concerning problems of juveniles; and the development of methods and procedures by which the courts and state and federal agencies may coordinate their efforts toward the elimination of the multiple problems of juvenile delinquency.

(2) The Department of Child Welfare is authorized to spend funds budgeted to it in order to meet the necessary expenses of the annual Kentucky Conference of Juvenile Court Judges.

**HB 311,** AN ACT relating to the voluntary commitment of children to the Kentucky Department of Child Welfare.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Child Welfare;

(2) "Commissioner" means the Commissioner of the Department of Child Welfare, or his duly authorized representative;

(3) "Child" means a person that has not reached his eighteenth birthday;

(4) "Voluntary commitment" means a commitment by which the department is given custody of a child by consent of

the parent or parents or guardian having custody without a court adjudication.

Section 2. (1) The department shall have authority to accept children on voluntary commitments; however, the department shall refuse to accept any child on the voluntary commitment unless adequate facilities, funds and resources are available to care for the child, and the commissioner finds that said commitment would be for the best interest of the child;

(2) As a condition of any voluntary commitment, the commissioner may enter into an agreement with the person or persons consenting to said commitment to pay an agreed sum for the care and treatment of the child. The sum shall be determined by the needs of the child and by the ability of the parent, parents, or guardian to pay.

(3) In the case of voluntary commitment, the department may expend funds necessary to give to the child committed all services available to any child committed to it by the courts including, but not limited to, diagnosis, treatment, foster care, day care, institutional care and treatment, and necessary medical, psychological and psychiatric care;

(4) In the event a child is before a juvenile court under provisions of KRS 208.020(1)(a) and KRS 208.170, the department may not accept a voluntary commitment unless written permission is given by the court before which the case is pending;

(5) Any person who has consented to the voluntary commitment may request the release of the child in writing addressed to the Commissioner of Child Welfare. The commissioner shall within ten (10) days, order release of the child, or, if in the opinion of the commissioner it would be to the best interest of the child that he remain in the custody of the department, a petition shall be filed in the juvenile court of the county of residence of the child as provided for in KRS 208.070.

(6) If the commissioner determines that the child can no longer benefit from those services offered by the department, the child may be returned at once to the care of its parent, parents or guardian, or to a third person mutually agreed upon.

**HB 312,** AN ACT relating to institutions operated by the Department of Child Welfare, especially Regional Reception-Diagnostic Centers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 208.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county shall provide for a suitable facility or facilities for the detention of children held in custody pending disposition of their cases by the juvenile court, and may employ necessary personnel for the operation thereof.

(2) In counties containing a city of the first or second class, the fiscal court shall maintain a permanent detention home, either through arrangement with another public agency or with a private organization or agency, or by acquiring and operating the home as a county institution.

(3) In counties other than those containing a city of the first or second class, the fiscal court shall either maintain a detention home or arrange for the use of private or family homes.

(4) The department may assist the counties in the acquisition, development and furnishing of detention facilities, and may employ available funds for that purpose. The detention facilities may be subject to the supervision of the department, and shall conform to rules and regulations prescribed by the department.

(5) Each detention facility shall be conducted under the jurisdiction of the juvenile court for which it is maintained and each child detained in such facility shall be deemed to be under the jurisdiction of the court.

*(6) The fiscal court of any county may arrange with the department for the use of its regional reception-diagnostic centers for those cases pending before the juvenile court of its county. The fiscal court is authorized to make such payments as agreed upon with the department for the use of the services and facilities. The use of the department's regional reception-diagnostic centers by the individual juvenile courts shall not give such juvenile*

*courts jurisdiction over the department's regional-diagnostic reception centers.*

Section 2. Section 208.400 of the Kentucky Revised Statutes is amended to read as follows:

The department shall be responsible for the operation, management and development of the existing state institutional physical facilities for the custodial care or reformation of children, but not including educational institutions or institutions designed primarily for the care or treatment of mentally or physically handicapped children. The department shall further be responsible for the development of such additional institutional physical facilities and other necessary physical facilities, such as forestry camps, farms, or vocational training facilities, as are necessary to provide an adequate and modern program for the care, treatment and rehabilitation of children. [committed to the state under the juvenile court laws.]

Section 3. Section 208.420 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* The department may establish and operate [a] *regional* reception-*diagnostic centers* [center] for the observation, study and classification of children committed to it. Such children shall upon their commitment be placed in *a* [the] reception center for a period of observation and study. The [Department of Economic Security shall furnish the] reception *centers* [center] *shall be furnished* with adequate psychiatric, psychological and social services. A case history for each child shall be prepared during his period of observation and study in the reception center. Upon the basis of study and observation in the reception center, the department [of Economic Security] shall make a recommendation as to the character of treatment or disposition which should initially be provided for the child.

*(2) The regional reception-diagnostic centers established by the department may also be utilized as detention and evaluation facilities for children whose cases are pending final disposition of the juvenile court. This use of the facilities shall be made pursuant to agreement between the department and the individual fiscal courts.*

**HB 329,** AN ACT relating to employment of prisoners in the penitentiary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 197.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of *Corrections* [Welfare] shall provide employment for all prisoners in the penitentiaries [and the Houses of Reform at Greendale] and it shall exhaust every resource at its command to provide employment for all prisoners in its custody.

(2) The department shall acquire necessary equipment and materials and have manufactured all clothing, except that privately furnished, that is needed for the usual and suitable clothing of all state prisoners, and of all inmates in all state institutions, who are required to be clothed by the state. The department shall acquire equipment for the manufacture and production of all other state supplies, that in the reasonable discretion of the department is deemed practicable, and shall have such products manufactured, sold and distributed as provided in this chapter.

(3) The department shall establish industrial training in the penitentiaries [and the Houses of Reform at Greendale] and shall classify state prisoners according to the uses for prison labor and ability and talent of the prisoners, utilizing the best available local talent and such other talent as may be obtained at an economical and practical cost, and shall select a suitable number of guards [and attendants] with such qualifications, whenever possible, and thereby avoid duplicate expense.

**HB 347,** AN ACT relating to dangerous drugs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This Act may be cited as the "Kentucky Dangerous Drug Act of 1968."

Section 2. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act the term "dangerous drug" means:

(1) Any drug which contains: (a) barbituric acid or derivatives of barbituric acid; or (b) salts of barbituric acid or salts of derivatives of barbituric acid; except those compounds, mixtures, and preparations specifically exempted by regulation of the State Board of Health.

(2) Any drug which contains: (a) amphetamine or any of its optical isomers; (b) any salt of amphetamine or any salt of an optical isomer of amphetamine; (c) methamphetamine or any of its optical isomers or any salt of methamphetamine or any salts of optical isomers of methamphetamine; (d) mephentermine and its salts; (e) phenmetrazine and its salts; except those compounds, mixtures, and preparations specifically exempted by regulation of the State Board of Health.

(3) Any drug which contains: (a) LSD (d-Lysergic acid diethylamide and its salts); (b) Mescaline (3, 4, 5 trimethoxyphenylethylamine and its salts); (c) Peyote (Lophophora Williamsii, Lophophra lewinii); (d) Psilocybin (Psilcoybe mexicana); (e) Psilocin (Psilcoybe mexicana); (f) DMT (N, N, -dimethltryptamine and its salts); (g) STP (4-methyl 2, 5 dimethoxy alpha methyl phenethylamine and its salts); except those compounds, mixtures, and preparations specifically exempted by regulation of the State Board of Health.

(4) Any drug which contains any quantity of a substance which has been designated by regulation of the State Board of Health as having a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect; except that the Board shall not designate under this law any substance that is a narcotic drug as defined or designated in the Kentucky Uniform Narcotic Drug Act or the regulations promulgated thereunder.

Section 3. A new section of the Kentucky Revised Statutes is created to read.

As used in this Act the following terms shall have the meanings set forth below:

(1) "Manufacturers," "wholesalers," "distributors," and "repackers," of dangerous drugs means persons licensed as such pursuant to the regulations of the State Board of Health.

(2) "Person" includes any corporation, association, partnership, or one or more individuals.

(3) "Practitioner" means any person licensed under the professional laws of this state to prescribe and administer medicine or drugs.

(4) "Pharmacist" means any person licensed as such by the Kentucky Board of Pharmacy.

(5) "Pharmacy" means any establishment that has been issued a valid and effective permit by the Kentucky Board of Pharmacy as provided in KRS 315.035.

(6) "Counterfeit drug" means a drug which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a drug manufacturer, processor, packer, or distributor other than the person or persons who in fact manufactured, processed, packed or distributed such drug and which thereby falsely purports, or is represented to be the product of, or to have been packed or distributed by, such other drug manufacturer, processor, packer, or distributor

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) No person shall possess any dangerous drug except as authorized in this Act.

(2) No person shall manufacture, sell, dispense, prescribe, or administer any dangerous drug except as authorized in this Act.

(3) (a) No person shall obtain or attempt to obtain a dangerous drug, or procure or attempt to procure the administration of a dangerous drug by fraud, deceit, misrepresentation, or subterfuge, or by the forgery or alteration of a prescription, or by the concealment of a material fact, or by the use of a false name or the giving of a false address.

(b) No person shall willfully make a false statement regarding any prescription, order, report, or record required by this Act.

(c) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of or represent himself to be a manufacturer, wholesaler, distributor, repacker, pharmacist, practitioner, or other authorized person.

(d) No person shall make or utter any false or forged prescription.

(e) No person shall affix any false or forged label to a package or receptacle containing any dangerous drug.

(4) No person shall bring into, or cause to be brought into, or possess, use, or sell, upon the premises of any jail or penal institution within the Commonwealth of Kentucky any dangerous drug in violation of this Act.

(5) No person shall possess, manufacture, sell, dispense, prescribe or administer any counterfeit drug.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

Duly licensed pharmacists, in good faith and in the course of their professional practice only, may possess, sell, dispense and furnish any dangerous drug only upon the prescription of a practitioner and then only if the container of such dangerous drug bears a label showing the name and address of the pharmacy or pharmacist, the name of the person for whom the dangerous drug was prescribed, the name of the prescribing physician, the date of filling the prescription, and if for an animal, the specie and owner of same. All such prescriptions shall be numbered and filed and retained for at least three years. No such prescription shall be refilled except upon authorization of the prescribing practitioner. A record shall be kept of all such refills.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

A practitioner, in good faith and in the course of his professional practice only, may possess dangerous drugs in reason-

able amounts, and deliver and dispense same to his patients provided the container in which such dangerous drugs are dispensed bears a label showing the name of the practitioner, the name of the person for whom prescribed, date, and directions for use. If prescribed for an animal, the specie and name of the owner shall be shown on the label. The practitioner shall keep a record of such dangerous drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

Manufacturers, wholesalers, distributors, and repackers licensed by the State Department of Health may, in good faith and in the course of their legitimate business only, possess dangerous drugs for such purposes and may sell and deliver same at wholesale, accompanied in each case with an invoice or bill of sale, a copy of which shall be retained, to the following:

(1) Pharmacists and pharmacies;

(2) Practitioners;

(3) For lawful research, teaching, or testing, and not for resale;

(4) Hospitals where distribution complies with the provisions of this Act;

(5) Federal, state and local governments where distribution complies with the provisions of this Act;

(6) Manufacturers, wholesalers, distributors, repackers and such others as may be authorized by regulation of the State Board of Health.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

A person to whom or for whose use, any dangerous drug has been prescribed, sold, or dispensed by a practitioner or pharmacist, and the owner of any animal for which any dangerous drug has been prescribed, sold, or dispensed by a practitioner or

pharmacist may lawfully possess it only in the container in which it was delivered to him by the practitioner or pharmacist.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

All records, prescriptions, and invoices required by this Act shall be preserved for at least three years and open to inspection by authorized representatives of the State Department of Health and the Kentucky Board of Pharmacy.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

(1) This Act shall be administered jointly by the State Department of Health and the Kentucky Board of Pharmacy and their authorized agents. The State Board of Health shall make such rules and regulations as are deemed necessary to carry out the intent and purpose of this Act.

(2) The State Board of Health shall provide, by regulation, for the licensing of manufacturers, wholesalers, distributors, and repackers of dangerous drugs. No license shall be issued or renewed unless the applicant is in compliance with the standards, rules, and regulations promulgated by the State Board of Health. The State Board of Health shall set, by regulation, a reasonable fee that may be charged therefor. All such licenses may be revoked or renewal refused for violation of any provision of this Act, or regulations adopted hereunder, or for violation of any other Federal or State drug law. All such licenses shall expire on June 30th following date of issuance and be renewable thereafter upon payment of the prescribed renewal fee. All fees collected under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the State Department of Health for the purposes of carrying out the provisions of this Act.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

(1) It is hereby made the duty of the State Department of Health and the Kentucky Board of Pharmacy, their officers,

agents, inspectors, and representatives, and of all peace officers within the state, and of all city, county, and Commonwealth attorneys, and the Attorney General, within their respective jurisdictions, to enforce all provisions of this Act and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to dangerous drugs.

(2) For the purpose of enforcing the provisions of this Act, the investigators, inspectors, representatives, and agents of the State Department of Health and the Kentucky Board of Pharmacy shall have the full power and authority of peace officers in this state, including the power of arrest and the authority to bear arms, and shall have the power and authority to administer oaths, to enter upon premises at all times for the purpose of making inspections, to seize evidence, to interrogate all persons, to require the production of prescriptions, of books, papers, documents, or other evidence, to employ special investigators and to expend funds for the purpose of obtaining evidence. Investigators, inspectors, representatives and agents of the State Department of Health and the Kentucky Board of Pharmacy are empowered to remove from the files of any pharmacy or other custodian any prescription or record for a dangerous drug upon tendering a receipt therefor.

(3) The State Department of Health is authorized to make, or cause to be made, examination of samples submitted or secured under the provisions of this Act.

Section 12. A new section of the Kentucky Revised Statutes is created to read:

Notwithstanding the existence or pursuit of any other remedy, civil or criminal, the State Department of Health, the Kentucky Board of Pharmacy, and/or any other person charged with the enforcement of this Act, may maintain an action to restrain or enjoin any violation of this Act.

Section 13. A new section of the Kentucky Revised Statutes is created to read:

On the conviction of any person of a violation of any provi-

sion of this Act, a copy of the judgment and sentence, and the opinion of the court, if any opinion be filed, shall be sent by the clerk of the court to the State Department of Health.

Section 14. A new section of the Kentucky Revised Statutes is created to read:

Information communicated to a practitioner in an effort to procure a dangerous drug, or to procure the administration of such drug, shall not be deemed a privileged communication.

Section 15. (1) Any person who violates any provision of subsections (2), (3), (4), and (5) of Section 4 of this Act shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than two years nor more than five years or by a fine of not less than $1,000 nor more than $5,000 or both.

(2) Any person in possession LSD, Mescaline, Peyote, Psilocybin, Psilocin, DMT, or STP in violation of subsection (1) of Section 4 of this Act shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than two years nor more than five years or by a fine of not less than $1,000 nor more than $5,000 or both.

(3) Any person in possession of any dangerous drug (other than those specifically designed in subsection (2) of this Section) in violation of subsection (1) of Section 4 of this Act or who violates any provision of this Act for which a specific penalty is not otherwise provided shall be punished by confinement in the county jail for one year or by a fine of not less than $300 nor more than $500 or both.

Section 16. Sections 217.461, 217.462, 217.471, 217.481, 217.491, 217.501, 217.511, 217.521, 217.531, 217.533, 217.535, 217.720, 217.730, 217.740, 217.750, 217.760, 217.770, 217.780, 217.790, 217.991, and 217.994 of the Kentucky Revised Statutes are hereby repealed.

Section 17. This Act shall become effective July 1, 1968.

The Committee on Health and Welfare reported **HB 141, HB 159, HB 323,** and **HB 357** without expression of opinion.

The Committee on Appropriations and Revenue reported **HB 135** with the expression of opinion that the same should not pass.

The Committee on Counties and Special Districts reported **HB 343, HB 324** and **HB 216** with Committee Amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 343,** AN ACT relating to county government.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 67.050 is amended to read as follows:

(1) Any county may have a fiscal court consisting of the county judge and three commissioners elected from the county at large. To ascertain whether the county desires to have county commissioners, the county judge, upon an application by written petition signed by one hundred legal voters of the county, shall enter an order on his order book calling an election to submit to the legal voters of the county the following question: "Are you for or against having a fiscal court composed of three commissioners and the county judge of the county court?" The order shall be entered at the next regular term after the petition is filed, and shall direct the election to be held at the next regular election to be held in the county that does not occur within less than sixty days from the filing of the petition. The county clerk shall give to the sheriff or other officer appointed to hold the election a certified copy of the order within five days after the order is made, and the sheriff or other officer shall have the order published pursuant to KRS Chapter 424 and in addition advertise it by printed handbills posted at one or more conspicious places in each precinct in the county for the same length of time, stating when the election will be held and the purpose thereof.

(2) All such elections shall be held under the general election laws. No such election shall be held in any county oftener than once in four years.

*(3) Any county that has voted in favor of having county commissioners may return to its prior form of government by following the same procedures as provided in subsections (1) and (2) of this section, by which it chose to have county commissioners.*

**HB 324**, AN ACT relating to peddlers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Peddler" means any person, firm, or corporation who peddles, sells, or offers for sale, either on foot or by means of any machine or vehicle, any merchandise upon the roads, streets, sidewalks or door-to-door in any county.

(2) "Applicant" means any person, firm or corporation who applies for a license as a peddler.

Section 2. The fiscal court of any county may require that a peddler obtain a license each year for the privilege of pursuing his occupation in that county. The form for the license shall be set by the fiscal court, but must include space for the signatures of both the county clerk and the applicant.

Section 3. The license shall be obtained from the county clerk and a fee of up to $25 shall be charged for the license. Before the license is issued, the applicant shall post a bond, with an insurance company as surety, to cover any failure on his part to deliver goods or services as contracted. The amount of the bond shall be set by order of the county court.

Section 4. Out of the money received for the license, the county clerk shall retain 5% as his fee and remit the balance to the fiscal court with his annual fee settlement. The county clerk shall keep a record of all licenses sold.

Section 5. The holder shall carry the license at all times when he is engaged in his occupation, and he shall show it, upon request, to prospective customers and law enforcement officers.

Section 6. Any peddler who violates these provisions shall be subject to a fine of not less than $25 nor more than $100 for each offense. Each sale in violation of the provisions of this Act shall be a separate offense. Violations shall be processed through county quarterly court. Fines and court costs shall be turned over to the fiscal court for budget purposes by the county judge when he makes his annual fee settlement.

Section 7. The following occupations shall be exempt from the provisions of this Act:

(1) sale of newspapers by newsboys or vending machines;

(2) sale of ice cream or other frozen confections from vehicles;

(3) sale of farm produce by the producer or his agent.

**HB 216,** AN ACT relating to mileage allowance for sheriffs, deputy sheriffs, constables, and justices of the peace.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 64.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each sheriff, deputy sheriff or constable in each county executing a notice, subpoenas or summons shall be paid his expenses in the service of such papers through the payment of miles traveled by such sheriff, deputy sheriff or constable at the rate of ten cents per mile. *When a justice of the peace, in the administration of his office is called upon to perform duties outside his district, the fiscal court may authorize payment to him from the county treasury for miles traveled, at a rate of ten cents per mile limited to a maximum of $75 dollars per month.*

(2) The sheriff, deputy sheriff or constable shall be paid the mileage by the litigants in any criminal or civil action at the time of the delivery of such notice, subpoena or summons.

(3) If such litigant is financially unable to make such payments, he may take the oath in "Forma Pauperis."

(4) The provisions of this section shall not apply with relation to the delivery of a notice, subpoena or summons on behalf of the Commonwealth of Kentucky.

Committee Amendment to **HB 216** is as follows:

Amend printed copy of House Bill 216 on page 1, line 9, by:

striking the words "outside his district" and inserting in lieu thereof the following: "requiring travel in his own personal vehicle"

and on line 11 by striking "$75" and inserting in lieu thereof "$100"

The Committee on Counties and Special Districts reported **HB 254** without expression of opinion.

The Committee on Labor and Industry reported **SB 123** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 123,** AN ACT relating to public works.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 337.505 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) For the purpose of KRS 337.510 to 337.550, the term "prevailing wage" for each classification of laborers, workmen, mechanics, helpers, assistants and apprentices engaged in the construction of public works within the Commonwealth of Kentucky, means *the sum of:*

(a) [The wages that are or have been] *The basic hourly rate* paid to the majority of laborers, workmen, mechanics, helpers, assistants and apprentices employed in each classification of construction upon reasonably comparable construction in the locality where the work is to be performed; such [wages] *rate* shall be determined in accordance with paragraphs (a), (b) and (c) of subsection (3) of KRS 337.520; [(b)] in the event that there is not a majority paid at the same rate, then the *basic hourly* rate *of pay shall be the basic hourly rate of pay* paid to the greater number: Provided, such greater number constitutes thirty per-

cent of those employed; or [(c)] in the event that less than thirty percent of those employed receive the same rate, then *the basic hourly rate* [the average rate] *of pay shall be the average basic hourly rate which shall be determined* [(2) The term "average rate" for each classification means the rate obtained] by adding the *basic hourly* rates paid to all workers in the classification and dividing by the total number of such workers, *and*

*(b) An additional amount per hour equal to the hourly rate of contribution irrevocably made or to be made by an employer on behalf of employees within each classification of construction to a trustee or to a third person pursuant to an enforceable commitment to carry out a financially responsible plan or program, which was communicated in writing to the employees affected, for the following fringe benefits: medical or hospital care, pensions or retirement, death compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, accident insurance, vacation and holiday pay, defraying costs of apprenticeship or other similar programs, or other bona fide fringe benefits, but only where the employer is not required by other Federal, State or local law to provide any of such benefits: Provided, said additional amount may, at the discretion of the employer, be paid either in cash to the employee or by contributions for fringe benefits, or partly in cash and partly by such contributions, it being the intention of this subsection to recognize fringe benefits as a part of the prevailing wage rate where made in accordance with this subsection.*

Section 2. Section 337.520 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The commissioner shall make initial determinations and current revisions thereof of schedules of rates of prevailing wages *of the amount of fringe benefits included therein* as defined in KRS 337.505, *and the number of hours applicable thereto.* The commissioner shall have the authority to make and revise such rules and regulations as he may deem appropriate to carry out the provisions and purposes of KRS 337.510 to 337.550 and to prevent the circumvention or evasion thereof. No rule or regulation or revisions thereof shall be issued by the commissioner except

upon reasonable notice to, and opportunity to be heard by, any interested person.

(2) The commissioner shall require the filing of all wage contracts of all laborers, workmen, mechanics, helpers, assistants and apprentices in this state which have been agreed to between bona fide organizations of labor and an employer or associations of employers. Such contracts shall be filed within ten days after they are signed.

(3) The commissioner shall have the authority to determine schedules, and current revisions thereof, of the rates of prevailing wages as defined in KRS 337.505, but in no case shall the commissioner determine wages to be paid for a legal day's work to laborers, workmen, mechanics, helpers, assistants and apprentices engaged in the construction of public works at less than the prevailing wages paid in the localities. The commissioner in determining what rate of wages prevail shall consider the following criteria:

(a) Wage rates paid on previous public works constructed in the localities. In considering such rates the commissioner shall ascertain, insofar as practicable, the names and addresses of the contractors, including sub-contractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed on each project and the respective wage rates paid each worker who was engaged in the construction of these projects.

(b) Wage rates previously paid on reasonably comparable private construction projects constructed in the localities. In considering such rates the commissioner shall ascertain, insofar as practicable, the names and addresses of the contractors including sub-contractors, the locations, approximate costs, dates of construction and types of projects, the number of workers employed on each project and the respective wages rates each worker who was engaged in the construction of these projects.

(c) Collective bargaining agreements or understandings between bona fide organizations of labor and their employers located in the Commonwealth of Kentucky which agreements apply or pertain to the localities wherein the public works are to be constructed.

(4) The wage rates to be used by the public authority in a contract for the construction of public works shall be the prevailing wage as of the date the public works project is advertised and offered for bid. If contracts are not awarded within ninety days after the date of offering for bid the public authority shall re-ascertain the prevailing rate of wages from the department before the contract is awarded. The schedule or scale of prevailing wages shall be incorporated in and made a part of each contract.

Section 3. Section 337.540 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Every public authority, before advertising for bids, shall include with the schedule of wages a provision that no laborer, workman, mechanic, helper, assistant or apprentice shall be permitted to work more than eight hours in one calendar day which shall constitute a legal day's work; nor more than forty hours in one week, which shall constitute a legal work week, except in cases of emergency caused by fire, flood or damage to life or property. This limitation of work hours shall be made a part of the specifications for the work and printed on bid blanks where the work is done by contract and shall be incorporated as a part of each contract.

(2) No laborer, workman, mechanic, helper, assistant or apprentice shall be permitted to work more than eight hours in any one calendar day, nor more than forty hours in any one week, except in cases of emergency caused by fire, flood, or damage to life or property, on the construction of public works which is being constructed under contract with any public authority.

(3) Any laborer, workman, mechanic, helper, assistant or apprentice worked in excess of eight hours per day or forty hours per week, except in cases of emergency shall be paid not less than one and one-half times the [prevailing rate] *basic hourly rate of pay* as [of wages as fixed] *defined and fixed* under this chapter for all overtime worked, and each contract with any public authority for the construction of public works shall so provide.

(4) The determination of exception provided in this section of when an emergency exists shall be made by the public authority letting the contract.

The Committee on Labor and Industry reported **HB 202** and **HB 12** with the expression of opinion that the same should not pass.

The Committee on Cities reported **HB 201** with Committee Substitute attached thereto, **SB 48, SB 131,** and **SB 136** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 201,** AN ACT relating to the improvement of the main mercantile and business areas of cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Satutes is created to read as follows:

The fostering of mercantile endeavors and business enterprises by cities in the manner allowed by this Act is a proper municipal function and a public purpose. Furthermore, the General Assembly finds that there is a danger that the city tax revenues from ad valorem taxes on classes of property subject to local taxation and those from city taxes described in Section 181 of the Constitution of Kentucky will decrease or continue to decrease if impairment of the economy in what are popularly called downtown areas is not halted.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act unless the context otherwise requires:

(1) "City" or "Cities" refers to cities of the first and second classes;

(2) "City Legislature" means the Board of Aldermen of a city of the first class and the General Council or the Board of Commissioners, as the case may be, of a city of the second class;

(3) "Chief Executive" means the mayor of a city of the first class and the mayor of a city of the second class which has a General Council; for all cities of the second class having a Board of Commissioners, be it organized under the commission or city-manager form of government, "Chief Executive" means the Board of Commissioners, and, in such second class cities, all action required to be taken by the legislature, the chief executive, or both shall be deemed to have been taken when it is taken by the Board of Commissioners.

(4) "Planning Commission" means a planning commission organized under KRS 100.111 to 100.991 which commission exercises for the city a planning commission's powers and duties.

(5) "Delegate agency" means any agency, commission, corporation, or joint board or agency to which a city, or any joint board or agency of which the city is a member, is empowered to delegate any function by authority of this Act.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No city shall use this Act unless there is a planning commission serving the city.

(2) A planning commission by interlocal agreement or contract may delegate to a delegate agency the performance of the planning commission's functions under this Act; nevertheless, all requirements of KRS 100.111 to 100.991 with respect to planning and local planning legislation shall be fulfilled by the delegate agency and the city, as the case may be.

(3) The planning commission or its delegate agency may prepare plans for the improvement of the central mercantile and business area or areas of the city. The plans shall include definitions, by maps or otherwise, of the precise boundaries of the area to be benefited. The plans shall include in detail the methods of financing and the public improvements and facilities to be constructed, acquired, or operated to foster the mercantile and business economy in the area. The plans may include additional improvements and facilities desirable within the area and allow the additional improvements and facilities to be provided publicly, privately, or by a combination of both. The plans may set

forth the most desirable land uses within the area and those uses (including general, conditional, or specific location thereof) may be more specific than any zones (by both location and use) otherwise established under authority of KRS 100.111 to 100.991. Plans may include any other matters necessary or proper to accomplishing the municipal function and public purpose described in Section 1 of this Act.

(4) Plans described in subsection (3) shall not be implemented unless approved by the city in the manner provided for plan adoption in KRS 100.111 to 100.991 by the city legislature.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

A city desiring to use this Act may create one or more boards, agencies, or commissions, or cause to be created one or more corporations (the incorporators to be agents of the city) to carry out and administer the plans described in Section 3 of this Act. Any corporations created shall contract with the city (a) to carry out and administer faithfully the plans described in Section 3 of this Act and (b) not to change the method of selection of directors without a prior assenting ordinance of the city. Unless provided otherwise in the ordinance or ordinances adopting the plans described in Section 3 of this Act all officers, directors, board members or commissioners of delegate agencies described in this section shall be nominated by the Chief Executive and appointed by him upon the advice and with the consent of the City Legislature.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority delegated and granted by KRS 93.351 to 93.356 to cities of the first class is delegated and granted to all cities using this Act with these exceptions and additions: (a) officials required to act or give assent by KRS 93.351 to 93.356 shall not, as a condition to the exercise by a city under the Act of the rights, privileges, and powers described in KRS 93.351 to 93.356, be required to act or assent if the plans described in Section 3 of this Act designate other officials or a delegate agency

to perform the functions of officials named in KRS 93.351 to 93.356; and (b) any facilities or improvements allowed or authorized to be constructed, operated, or both by KRS 93.351 to 93.356 may be financed either by authority of those sections or as authorized by Section 6, of this Act. The city or its delegate agency may, nevertheless, use, for purposes of this Act, all revenue producing methods authorized by KRS 93.351 to 93.356.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Public facilities and improvements called for by the plans described in Section 3 of this Act may be acquired or constructed as set forth in the plans. Money to pay the cost of acquisition or construction or to pay indebtedness contracted for acquisition and construction may be obtained from:

(a) all sources listed in KRS 93.351 to 93.356;

(b) rents and other moneys payable on account of Section 13 of this Act;

(c) contractual rights, gifts, subventions from governmental units other than the city or its agencies, contracts and other agreements and promises made by non-governmental entities and persons with respect to one or more improvements or facilities set forth in the plans; and

(d) special benefit assessments levied against benefited parcels within the area or areas defined by the plans.

(2) Special benefit assessments authorized by paragraph (d) of subsection (1) may be based upon (a) proportionate front-footage of benefited parcels abutting the improvements or facilities, (b) proportionate square-footage of benefited parcels, (c) proportionate assessed valuation for city ad valorem taxes on real estate (less the value of improvements) of benefited parcels, or (d) any other equitable method.

(3) The plans described in Section 3 of this Act may designate or allow the city or its delegate agency to establish equitable zones of benefit for one or more facility or improvement and determine the proportion of total benefit assessment to be levied

upon parcels in each zone. The same method of assessment need not be used in all zones of benefit.

(4) Annual assessments for operation and maintenance are authorized for public facilities and improvements of a type or quality which are peculiar to main mercantile and business areas or which are seldom provided in city areas outside the main mercantile and business area.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any plans providing for assessments under Section 6 of this Act may provide that tenants having an estate less than a freehold shall be liable for a portion of the amount assessed against each parcel in strict accordance of all of subsection (2) through (4).

(2) Only such tenancies created prior to the effective date of this Act shall be affected.

(3) Apportionment in part against tenancies shall be allowed only (a) when the tenancy cannot be terminated during the first half of any term of years in which the parcel subject to the tenancy is assessable under Section 6 of this Act, and (b) when the rent is of such an amount and the value of the improvement or public facility to the tenant is so great that placing the full amount of the assessment upon the owner would, in an economic sense, amount to substantial confiscation.

(4) The apportionment of a part of an assessment against a tenant shall not relieve the owner of any lien for the whole amount; however, the owner, or a mesne tenant, who pays an assessment for a delinquent tenant shall have a cause of action against the delinquent tenant as if the amount paid by the owner or mesne tenant on account of the assessment were rent due but unpaid by the delinquent tenant.

(5) Any city making use of this Section may make reasonable classifications of tenancies; classification systems shall take into special account the relation between annual rent for the tenancy, other like tenancies upon the same parcel, and the assessed value for city ad valorem tax purposes of the parcel. Treatment accorded each class of tenancy shall be uniform.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

A lien shall exist against the respective properties for the cost of improvements and, where applicable, operation and maintenance of facilities assessed under authority of Section 6 of this Act. The city shall by ordinance specify the statutory procedure or procedures by which the liens shall be enforced. The procedure or procedures selected shall, however, be those authorized for use by the city concerned independently of this Section.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

The city by ordinance shall specify the times and method of payment of assessments including interest on deferred payments. Except in the case of assessments based upon the ad valorem tax value, less the value of improvements, of assessed parcels, all assessment payment schemes allowed by the ordinance shall permit payment of the assessment in a lump sum.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No delegate agency shall recommend an assessment plan to the city legislature without first holding at least two public hearings on the proposal. The first and the last hearing shall be more than thirty days apart. Notice of the hearings shall be given in accordance with KRS 424.110 to 424.990. If the city legislature has not delegated to a delegate agency the power to initiate whatever assessment scheme that may be adopted by ordinance, the city legislature shall, before adopting an ordinance providing for assessments, specify by ordinance or resolution a statutory procedure the city is authorized to use for special benefit assessments authorized by law other than this Act to be used for assessments authorized by this Act. No later than ten days before the final public hearing, notice of the hearing shall be mailed to all owners as shown by tax records.

(2) Within no more than four months after the adoption of a special benefit assessment ordinance ten percent of owners (each parcel being deemed to have but one owner) by number

or by proportion of assessed valuation for city ad valorem tax purposes to total such value within the area to be benefited (or twenty-five percent thereof within any zone of benefit) shall have an equitable cause of action to have set aside the special benefit assessment if it is found to be unjust and unreasonable or unfair and inequitable.

(3) Any tenant subjected to assessments because of the provisions of Section 7 of this Act shall have a cause of action of the kind described in subsection (2).

(4) Nothing in this Section shall deprive any person of any existing cause of action.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

The city or its delegate agency may incur indebtedness which is not a debt of the city within the meaning of Section 157, 158, or 159 of the Constitution of Kentucky to construct or acquire any public improvement or facility authorized by the plans described in Section 3 of this Act. Payment of such debt may be secured by a pledge of moneys and other thing of value listed derived from sources listed in Section 6 of this Act. Bonds authorized by this Section may be issued in accordance with any statute permitting the city to issue bonds which are not obligations of and do not constitute an indebtedness of the city within the meanings of Sections 157, 158, and 159 of the Constitution of Kentucky.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The city or any agency, commission, or public corporation to which the city delegates the authority granted by this section may condemn any interest in property if the taking of the interest is necessary or proper to the carrying out of the plan or plans described in Section 3 of this Act.

(2) By ordinance the city shall specify the statutory procedure or procedures to be used for the exercise of the eminent domain, and the city or its delegate is authorized to use any one

or more procedures available to units of governments or to corporations having the power of eminent domain.

(3) The adoption by the city legislature of the plan or plans shall be prima facie evidence of the public purpose and necessity of the taking.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event the city or its delegate acquires property interests in excess of the requirements of the plan, by way of example but not limitation, air rights over a parking garage, the city or its delegate shall dispose, by sale, lease, or otherwise of the surplus of the property in such a manner that all such property not devoted to public purposes shall be subjected to full local ad valorem taxes.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

The provisions of KRS 93.360 and 94.360, as the case may be, shall not apply to any public ways which are closed, partially closed, or the permitted uses of which are changed by the implementation of plans described in Section 3 of this Act. Within no more than four months after the service by mail on abutting owners (as shown by tax records) of notice of adoption by ordinance of any plan calling for the closure, partial closure, or use modification of a public way, any person who claims such ordinance is a taking of an interest in his property shall have a cause of action against the city for just compensation for any such taking. Such cause of action shall be exclusive of all others.

The Committee Substitute to **HB 201** is as follows:

**House Committee Substitute HB 201,** AN ACT relating to the improvement of the main mercantile and business areas of cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The fostering of mercantile endeavors and business enterprises by cities in the manner allowed by this Act is a proper municipal function and a public purpose. Furthermore, the General Assembly finds that there is a danger that the city tax revenues from ad valorem taxes on classes of property subject to local taxation and those from city taxes described in Section 181 of the Constitution of Kentucky will decrease or continue to decrease if impairment of the economy in what are popularly called downtown areas is not halted.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, unless the context otherwise requires:

(1) "City" or "Cities" refers to cities of the first, second and third classes;

(2) "City Legislature" means the Board of Aldermen of a city of the first class and the General Council or the Board of Commissioners, as the case may be, of a city of the second or third class;

(3) "Chief Executive" means the mayor of a city of the first class and the mayor of a city of the second or third class which has a General Council; for all cities of the second or third class having a Board of Commissioners, be it organized under the commission or city-manager form of government, "Chief Executive" means the Board of Commissioners, and, in such second or third class cities, all action required to be taken by the legislature, the chief executive, or both shall be deemed to have been taken when it is taken by the Board of Commissioners.

(4) "Planning Commission" means a planning commission organized under KRS 100.111 to 100.991 which commission exercises for the city a planning commission's power and duties.

(5) "Delegate agency" means any agency, commission, corporation, or joint board or agency to which a city, or any joint board or agency of which the city is a member, is empowered to delegate any function by authority of this Act.

Section 3. A new section of the Kentucky Revised Satutes is created to read as follows:

(1) No city shall use this Act unless there is a planning commission serving the City.

(2) A planning commission by interlocal agreement or contract may delegate to a delegate agency the performance of the planning commission's functions under his Act; nevertheless, all requirements of KRS 100.111 to 100.991 with respect to planning and local planning legislation shall be fulfilled by the delegate agency and the city, as the case may be.

(3) The planning commission or its delegate agency may prepare plans for the improvement of the central mercantile and business area or areas of the city. The plans shall include definitions, by maps or otherwise, of the precise boundaries of the area to be benefited The plans shall include in detail the methods of financing and the public improvements and facilities to be constructed, acquired, or operated to foster the mercantile and business economy in the area. The plans may include additional improvements and facilities desirable within the area and allow the additional improvements and facilities to be provided publicly, privately, or by a combination of both. The plans may set forth the most desirable land uses within the area and those uses (including general, conditional, or specific location thereof) may be more specific than any zones (by both location and use) otherwise established under authority of KRS 100.111 to 100.991. Plans may include any other matters necessary or proper to accomplishing the municipal function and public purpose described in Section 1 of this Act.

(4) Plans described in subsection (3) shall not be implemented unless approved by the city in the manner provided for plan adoption in KRS 100.111 to 100.991 by the city legislature.

(5) No plan providing for financing in whole or in part by one or several methods of assessment shall be implemented without the prior written consent of persons owning at least fifty-one percent of the total assessed valuation of all real property subject to assessment within the area or areas established or identified for the purpose of implementing plans requiring assessments under this Act.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

A city desiring to use this Act may create one or more boards, agencies, or commissions, or cause to be created one or more corporations (the incorporators to be agents of the city) to carry out and administer the plans described in Section 3 of this Act. (1) or a city may, by ordinance, delegate to the planning commission the authority to carry out and administer the plans described in Section 3 of this Act. Any corporations created shall contract with the city (a) to carry out and administer faithfully the plans described in Section 3 of this Act and (b) not to change the method of selection of directors without a prior assenting ordinance of the city. Unless provided otherwise in the ordinance or ordinances adopting the plans described in Section 3 of this Act all officers, directors, board members or commissioners of delegate agencies described in this section shall be nominated by the Chief Executive and appointed by him upon the advice and with the consent of the City Legislature.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

The authority delegated and granted by KRS 93.351 to 93.356 to cities of the first class is delegated and granted to all cities using this Act with these exceptions and additions: (a) officials required to act or give assent by KRS 93.351 to 93.356 shall not, as a condition to the exercise by a city under the Act of the rights, privileges, and powers described in KRS 93.351 to 93.356, be required to act or assent if the plans described in Section 3 of this Act designate other officials or a delegate agency to perform the functions of officials named in KRS 93.351 to 93.356; and (b) any facilities or improvements allowed or authorized to be constructed, operated, or both by KRS 93.351 to 93.356 may be financed either by authority of those sections or as authorized by Section 6, of this Act. The city or its delegate agency may, nevertheless, use, for purposes of this Act, all revenue-producing methods authorized by KRS 93.351 to 93.356.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Public facilities and improvements called for by the plans described in Section 3 of this Act may be acquired or constructed as set forth in the plans. Money to pay the cost of acquisition or construction or to pay indebtedness contracted for acquisition and construction may be obtained from:

(a) all sources listed in KRS 93.351 to 93.356;

(b) rents and other moneys payable on account of Section 13 of this Act;

(c) contractual rights, gifts, subventions from governmental units other than the city or its agencies, contracts and other agreements and promises made by non-governmental entities and persons with respect to one or more improvements or facilities set forth in the plans; and

(d) special benefit assessments levied against benefited parcels within the area or areas defined by the plans.

(2) Special benefit assessments authorized by paragraph (d) of subsection (1) may be based upon (a) proportionate front-footage of benefited parcels abutting the improvements or facilities, (b) proportionate square-footage of benefited parcels, (c) proportionate assessed valuation for city ad valorem taxes on real estate (less the value of improvements) of benefited parcels, or (d) any other equitable method.

(3) The plans described in Section 3 of this Act may designate or allow the city or its delegate agency to establish equitable zones of benefit for one or more facility or improvement and determine the proportion of total benefit assessment to be levied upon parcels in each zone. The same method of assessment need not be used in all zones of benefit.

(4) Annual assessments, in addition to those imposed for debt service, are authorized for the promotion, operation, and maintenance of services, public facilities, and improvements of a type or quality which are peculiar to main mercantile and business areas or which are seldom provided in city areas outside the main mercantile and business area.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any plans providing for assessments under Section 6 of this Act may provide that tenants having an estate less than a freehold shall be liable for an equitable portion of the amount assessed against each parcel in strict accordance of all of subsection (2) through (4).

(2) Only such tenancies created prior to the effective date of this Act shall be affected.

(3) The apportionment of a part of an assessment against a tenant shall not relieve the owner of any lien for the whole amount; however, the owner, or a mesne tenant, who pays an assessment for a delinquent tenant shall have a cause of action against the delinquent tenant as if the amount paid by the owner or mesne tenant on account of the assessment were rent due but unpaid by the delinquent tenant.

(4) Any city making use of this Section shall make reasonable classifications of tenancies; classification systems shall take into special account the relation between annual rent for the tenancy, other like tenancies upon the same parcel, and the assessed value for city ad valorem tax purposes of the parcel. Treatment accorded each class of tenancy shall be uniform.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

A lien shall exist against the respective properties for the cost of improvements and, where applicable, operation and maintenance of facilities assessed under authority of Section 6 of this Act. The city shall by ordinance specify the statutory procedure or procedures by which the liens shall be enforced. The procedure or procedures selected shall, however, be those authorized for use by the city concerned independently of this Section.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

The city by ordinance shall specify the times and method of payment of assessments including interest on deferred payments. Except in the case of assessments based upon the ad valorem tax value, less the value of improvements, of assessed parcels, all

assessment payment schemes allowed by the ordinance shall permit payment of the assessment in a lump sum.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No delegate agency shall recommend an assessment plan to the city legislature without first holding at least two public hearings on the proposal. The first and the last hearing shall be more than thirty days apart. Notice of the hearings shall be given in accordance with KRS 424.110 to 424.990. If the city legislature has not delegated to a delegate agency the power to initiate whatever assessment scheme that may be adopted by ordinance, the city legislature shall, before adopting an ordinance providing for assessments, specify by ordinance or resolution a statutory procedure the city is authorized to use for special benefit assessments authorized by law other than this Act to be used for assessments authorized by this Act. No later than ten days before the final public hearing, notice of the hearing shall be mailed to all owners as shown by tax records.

(2) Within no more than four months after the adoption of a special benefit assessment ordinance ten percent of owners (each parcel being deemed to have but one owner) by number or by proportion of assessed valuation for city ad valorem tax purposes to total such value within the area to be benefited (or twenty-five percent thereof within any zone of benefit) shall have an equitable cause of action to have set aside the special benefit assessment if it is found to be unjust and unreasonable or unfair and inequitable.

(3) Any tenant subjected to assessments because of the provisions of Section 7 of this Act shall have a cause of action of the kind described in subsection (2) of this section.

(4) Nothing in this Section shall deprive any person of any existing cause of action.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

The city or its delegate agency may incur indebtedness which is not a debt of the city within the meaning of Section 157,

158, or 159 of the Constitution of Kentucky to construct or acquire any public improvement or facility authorized by the plans described in Section 3 of this Act. Payment of such debt may be secured by a pledge of moneys and other things of value listed derived from sources listed in Section 6 of this Act. Bonds authorized by this Section may be issued in accordance with any statute permitting the city to issue bonds which are not obligations of and do not constitute an indebtedness of the city within the meanings of Sections 157, 158, and 159 of the Constitution of Kentucky.

Section 12. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The city or any agency, commission, or public corporation to which the city delegates the authority granted by this section may condemn any interest in property if the taking of the interest is necessary or proper to the carrying out of the plan or plans described in Section 3 of this Act.

(2) By ordinance the city shall specify the statutory procedure or procedures to be used for the exercise of the eminent domain, and the city or its delegate is authorized to use any one or more procedures available to units of government or to corporations having the power of eminent domain.

(3) The adoption by the city legislature of the plan or plans shall be prima facie evidence of the public purpose and necessity of the taking.

(4) Nothing in this Act shall authorize (1) the financing of the costs of facilities for the generation, transmission, or distribution of electric energy; or (2) the financing of the cost of facilities for the production, transmission, or distribution of gas (natural, manufactured, or mixed), water, telephone and telegraph. Nothing in this Act shall authorize the city legislature to condemn or require the relocation of property or facilities of a public service company when such action would destroy or adversely affect the service rendered by it to the public in and about the benefited area, or would adversely affect the general system of facilities operated by the public service company.

Section 13. A new section of the Kentucky Revised Statutes is created to read as follows:

In the event the city or its delegate acquires property interests in excess of the requirements of the plan, by way of example but not limitation, air rights over a parking garage, the city or its delegate shall dispose, by sale, lease, or otherwise of the surplus of the property in such a manner that all such property not devoted to public purposes shall be subjected to full local ad valorem taxes.

Section 14. A new section of the Kentucky Revised Statutes is created to read as follows:

The provisions of KRS 93.360 and 94.360, as the case may be, shall not apply to any public ways which are closed, partially closed, or the permitted uses of which are changed by the implementation of plans described in Section 3 of this Act. Within no more than four months after the service by mail on abutting owners (as shown by tax records) of notice of adoption by ordinance of any plan calling for the closure, partial closure, or use modification of a public way, any utility having facilities located in such way shall be reimbursed for any and all necessary and proper relocation expenses, and shall have a cause of action against the city for such compensation. Such compensation and/or cause of action shall be exclusive of all others.

**SB 48,** AN ACT changing the classification of the City of McKee in Jackson County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of McKee in Jackson County is such as to justify its being classified as a city of the fifth class,

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of McKee in Jackson County, is transferred from the sixth to the fifth class of cities.

**SB 131,** AN ACT relating to peace officers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 61.310 is amended to read:

(1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable, deputy constable, patrol or any other peace officer or deputy peace officer except those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board of education.

(2) No peace officer shall receive any compensation or remuneration, directly or indirectly, from any person for the performance of any service or duty *except that he may be compensated for employment authorized by subsection (4) of this section.* Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.

(3) Peace officers shall receive for the performance of their services and duties only such compensation or remuneration as is regularly provided and paid out of the public funds to the amount and in the manner provided by law *except that they may be compensated from private funds for employment authorized by subsection (4) of this section.* Donations made by persons, to any governmental unit or officer thereof do not constitute public funds within the meaning of this subsection.

(4) *A* [No] peace officer *may* [shall], while in office, *and during hours other than regular or scheduled duty hours,* act in any private employment as guard or watchman or in any other similar or private employment. *However, he may not participate directly or indirectly, in any labor dispute.* Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.

(5) No principal peace officer shall appoint or continue the appointment of any deputy contrary to the provisions of this section. When it appears by the affidavit of two citizens, taxpayers of the county, filed with any principal peace officer, that there is reasonable cause to believe that any of his deputies are receiving compensation from private sources contrary to the provisions of this section, the peace officer shall forthwith investigate the

charges contained in the affidavit, and if he finds the charges are true he shall forthwith remove any such deputy from office. Failure to do so shall constitute neglect of duty on the part of the principal peace officer, and he may be removed from office under the provisions of KRS 63.170.

(6) In addition to being subject to removal from office, any peace officer who violates any of the provisions of this section shall be fined not less than five hundred nor more than five thousand dollars, or confined in jail for not more than one year, or both.

(7) Except as provided in KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation or for the performance of any public duty [or for the performance of private employment as guard or watchman or other similar private employment], shall be fined not less than five hundred nor more than five thousand dollars.

**SB 136,** AN ACT relating to the collection of taxes in fifth and sixth class cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 92.180 is amended to read:

(1) The chief of police of each city of the fifth class *except cities of the fifth class in counties containing a city of the first class,* shall collect all taxes placed in his hands for collection by the city council, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which shall be paid directly to the city treasurer. *In cities of the fifth class in counties containing a city of the first class, the sheriff shall collect all taxes.*

(2) The city council of each city of the fifth class *except cities of the fifth class in counties containing a city of the first class,* may appoint a city tax collector, who shall perform the duties pertaining to the collection of taxes set out in subsection

(1) of this section and in subsection (1) of KRS 92.640. The collector shall give bond in a sum fixed by the city council.

(3) If the city council so desires, and as an alternative to appointing a tax collector, it may place the tax bills, except those for taxes required to be paid directly to the city treasurer under subsection (1) of this section, in the hands of the sheriff for collection. In that case the sheriff shall collect the taxes upon receiving the advice of the city council that the taxes have been levied and the amount to collect. The sheriff shall collect the taxes at the same time, and shall have the same powers, as in the collections of state and county taxes.

Section 2. KRS 92.190 is amended to read:

(1) The marshal in cities of the sixth class *except cities of the sixth class in counties containing a city of the first class,* shall collect all taxes placed in his hands by the board of trustees for collection. *In cities of the sixth class in counties containing a city of the first class, the sheriff shall collect all taxes.*

(2) If the board of trustees so desires, it may place the tax bills in the hands of the sheriff for collection, instead of having a local tax collector for that purpose. In that case the sheriff shall collect the taxes, upon receiving the advice of the board of trustees that the taxes have been levied and the amount to collect. The sheriff shall collect the taxes at the same time, and shall have the same powers, as in the collection of state and county taxes.

Section 3. KRS 92.640 is amended to read:

(1) The chief of police of each city of the fifth class, and the marshal of each city of the sixth class, *and the sheriff in fifth and sixth class cities in counties containing a city of the first class,* shall, on the first Monday in each month, pay to the city treasurer all taxes and other funds of the city collected by him the preceding month, and file with the city treasurer an affidavit stating that the money so paid is all the taxes or funds that he has collected or received during the preceding month. The chief of police or marshal *or sheriff* shall, upon receipt of any tax list, give his receipt for it to the city clerk, and shall,

upon depositing with the city clerk the delinquent tax list, take the receipt of the city clerk therefor.

(2) When the sheriff is designated to collect the taxes of any city of the fifth or sixth class, he shall make a settlement on or before the tenth day of each month, with the city treasurer, for the taxes so collected.

(3) Every other officer collecting or receiving any money belonging to, or for the use of, a city of the fifth or sixth class, shall settle for it with the city clerk on the first Monday in each month, and immediately pay the money into the city treasury, on the order of the clerk, for the benefit of the funds to which the money belongs.

The Committee Substitute to **SB 136** is as follows:

**House Committee Substitute SB 136,** AN ACT relating to the collection of taxes in fifth and sixth class cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

Section 1. (1) Each city of the fifth and sixth class located in a county containing a city of the first class shall:

(a) File with the county clerk a map showing its public ways and its boundaries, and whenever property is annexed or deannexed, it shall forthwith file amended plats showing its boundaries as changed.

(b) File annually with the county clerk at sometime between ninety and one hundred and twenty days after taxes become due and payable a statement showing:

1. The date taxes become due and payable;

2. A list of all unpaid taxes showing the taxpayer's name, the property address and the amount of the tax including penalties and interest, if any. The list shall be cumulative and each year shall show all delinquent taxes not barred;

3. The name, address and telephone number of its tax collector and the hours within which he can ordinarily be con-

tacted by telephone. Whenever a tax collector is changed, such information concerning the new collector shall be forthwith furnished the county clerk.

(c) The clerk of the county court shall file, record and index only in the name of the cities all maps, plats and annual statements required hereby and the clerk shall be entitled to a fee of $4.50 for filing and indexing such maps and plats and $2.50 for filing and indexing such annual statements as are required hereby. There shall be no state tax on such recordings.

The Committee on Elections and Constitutional Amendments reported **HB 4**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

Committee Amendment to **HB 4** is as follows:

Amend printed copy of House Bill 4 on page 2, lines 1-17, by:

striking all of lines 1 through 17 and inserting in lieu thereof the following:

"(a) Governor, $500,000.

(b) Lieutenant Governor, $300,000.

(c) Office from the state at large other than Governor, $100,000.

(d) Judge of the Court of Appeals or Railroad Commissioner, $50,000.

(e) State senator, $25,000.

(f) State representative, $15,000.

(g) Circuit judge or Commonwealth's attorney, $25,000.

(h) County office in county having city of first class, $25,000.

(i) County office in county having city of second class, $10,000.

(j) County office in county having city of third class, $7,500.

(k) County office in county not having city of first, second or third class, $5,000.

(l) City office in city of first class, $15,000.

(m) Office other than those enumerated in paragraphs (a) to (l), $5,000."

The Committee on Elections and Constitutional Amendments reported **HB 249**, with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 249**, AN ACT relating to presidential preference primary elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of KRS Chapter 120 is created to read as follows:

Section 1. The Commonwealth shall conduct presidential preference primary elections within each political party that cast 10 percent or more of the vote for Governor in the preceding election, or has a registration equal to 10 percent or more of the total registered voters.

(a) The Secretary of State shall provide the successful candidate with certificates of election.

Section 2. To qualify to vote in a presidential preference primary in the Commonwealth a voter must register to vote in the same manner as prescribed by KRS Chapters 117, 118, and 119, except that the voter shall not vote in any presidential preference primary until one year after a change of registration to vote has been filed with the county court clerk, and party preference stated, as required by KRS Chapter 117.

Section 3. The presidential preference primary elections held in the Commonwealth, defined in Section 1, shall be held on the regular primary election day, in accordance with KRS 119.040, in each presidential election year.

(a) Hours of voting shall be in accordance with KRS 119.040.

(b) Cost of election, officials, and entire method of conduct of election shall be in accordance with Kentucky statutory provisions on primary elections.

Section 4. The State Central Committee of each political party defined in Section 1 of this Act shall publicly certify to the Secretary of State a list of delegates to National party conventions to be listed on the ballot as "Uninstructed Delegation proposed by the _____State Central Committee."

(a) The State Central Committee shall certify for election in a presidential preference primary only one Uninstructed Delegation.

Section 5. Not later than 21 days before any presidential preference primary held in the Commonwealth any candidate for President of the United States, who is a member of a political party described in Section 1 of this Act, may file with the Secretary of State a numbered list of delegates, and ask that his name and the names of his delegates, be placed upon the official ballot.

(a) All delegates must be citizens of the Commonwealth, and registered voters under the provisions of Section 2 of this Act.

(b) Before any candidate's name can be placed upon the official ballot for a presidential preference primary in the Commonwealth the candidate must present a certified list of not less than 1,000 signatures of citizens of the Commonwealth who support his candidacy to the Secretary of State not later than 21 days before the primary.

(c) Before any candidate's name is placed upon the official ballot by the Secretary of State for a presidential preference primary in the Commonwealth the candidate must deposit with the Secretary of State the sum of two hundred and fifty dollars, which shall be refunded to the candidate by the Secretary of State if the candidate receives three percent or more of the total popular vote cast in the presidential preference primary.

(d) If the candidate fails to receive three percent or more of the total popular vote cast in the presidential preference primary the two hundred and fifty dollar deposit shall escheat to the Commonwealth to be used by the Secretary of State to defray election expenses.

(e) The Secretary of State shall in writing explain the pro-

visions of Section 5 subsections (c) and (d) to each candidate before certifying his candidacy.

(f) Before any candidate's name can be placed upon an official ballot for a presidential preference primary in the Commonwealth he must pay all fees required by the Secretary of State for filing.

Section 6. The Secretary or State shall have the names of all candidates who fulfill the provisions of Section 5 of this Act, subsections (a), (b), and (c), and who are members of political parties defined in Section 1 of this Act, printed upon the official presidential preference primary ballot in large type, each such candidate shall be followed by, or immediately below, the numbered list of proposed delegates filed in accordance with Section 5 of this Act printed in small type.

(a) The Secretary of State shall have the words "Uninstructed Delegation" printed upon the official presidential ballot in large type, followed by, or immediately below, a numerical list of delegates printed in small type, as provided in Section 4 of this Act.

(b) Voters must vote for one candidate only. Such vote will constitute a package vote for all of the dedegates listed under the candidate's name.

(c) No voter shall be allowed to vote for individual delegates.

(d) No voter shall vote in any presidential preference primary other than the primary of the party of his registration.

(e) No candidate in any presidential preference primary held in the Commonwealth, who qualifies under Section 1, and 5, subsection (a) and (b) of this Act, can have his name placed upon the official ballot without his expressed written approval.

(f) Any candidate in any presidential preference primary held in the Commonwealth may withdraw his name from candidacy at any time, and the Secretary of State shall remove his name from the official ballot.

(g) If the Uninstructed Delegation proposed by each State Central Committee of each political party, covered under the

provisions of Section 1 of this Act, is uncontested by any candidate, who fulfills the provisions of Section 5, subsections (a) and (b) of this Act, then no presidential preference primary shall be held, and the Uninstructed Delegation shall constitute their respective parties delegation to the National Convention.

(h) This Act shall become effective on January 1, 1969.

The Committee Substitute to **HB 249** is as follows:

**Committee Substitute HB 249,** AN ACT relating to presidential preference primary elections.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 120 is created to read:

The Commonwealth shall conduct presidential preference primary elections within each political party that cast 10 percent or more of the vote for Governor in the preceding election, or has a registration equal to 10 percent or more of the total registered voters in the state. The Secretary of State shall provide the successful candidate with certificates of election.

Section 2. A new section of KRS Chapter 120 is created to read:

To qualify to vote in a presidential preference primary in the Commonwealth a voter must register to vote in the same manner as prescribed by KRS Chapters 117, 118, and 119, except that the voter shall not vote in any presidential preference primary until one year after a change of registration to vote has been filed with the county court clerk, and party preference stated, as required by KRS Chapter 117.

Section 3. A new section of KRS Chapter 120 is created to read:

(1) The presidential preference primary elections held in the Commonwealth, defined in Section 1, shall be held on the regular primary election day, in accordance with KRS 119.040, in each presidential election year.

(2) Hours of voting shall be in accordance with KRS 119.040.

(3) Cost of election, officials, and entire method of conduct of election shall be in accordance with Kentucky statutory provisions on primary elections.

Section 4. A new section of KRS Chapter 120 is created to read:

(1) The State Central Committee of each political party defined in Section 1 of this Act shall publicly certify to the Secretary of State a list of delegates to National party conventions to be listed on the ballot as "Uninstructed Delegation proposed by the _____ State Central Committee."

(2) The State Central Committee shall certify for election in a presidential preference primary only one Uninstructed Delegation.

Section 5. A new section of KRS Chapter 120 is created to read:

(1) Not later than 21 days before any presidential preference primary held in the Commonwealth any candidate for President of the United States, who is a member of a political party described in Section 1 of this Act, may file with the Secretary of State a numbered list of delegates, and ask that his name and the names of his delegates, be placed upon the official ballot. All delegates must be citizens of the Commonwealth, and registered voters under the provisions of Section 2 of this Act.

(2) Before any candidate's name can be placed upon the official ballot for a presidential preference primary in the Commonwealth the candidate must present certified list of not less than 1,000 signatures of citizens of the Commonwealth who support his candidacy to the Secretary of State not later than 21 days before the primary.

(3) Before any candidate's name is placed upon the official ballot by the Secretary of State for a presidential preference primary in the Commonwealth the candidate must deposit with the Secretary of State the sum of two hundred and fifty dollars, which shall be refunded to the candidate by the Secretary of

State if the candidate receives three percent or more of the total popular vote cast in the presidential preference primary.

(4) If the candidate fails to receive three percent or more of the total popular vost cast in the presidential preference primary the two hundred and fifty dollar deposit shall escheat to the Commonwealth and placed in a special trust and agency fund to be used by the Secretary of State to defray election expenses.

(5) The Secretary of State shall in writing explain the provisions of Section 5 subsection (3) and (4) to each candidate before certifying his candidacy.

(6) Before any candidate's name can be placed upon an official ballot for a presidential preference primary in the Commonwealth he must pay all fees required by the Secretary of State for filing.

Section 6. A new section of KRS Chapter 120 is created to read:

(1) The Secretary of State shall have the names of all candidates who fulfill the provisions of Section 5 of this Act, subsections (1), (2), and (3), and who are members of political parties defined in Section 1 of this Act, printed upon the official presidential preference primary ballot in large type.

(2) The Secretary of State shall have the words "Uninstructed Delegation" printed upon the official presidential ballot as provided in Section 4 of this Act.

(3) Voters must vote for one candidate only. Such vote will constitute a package vote for all of the delegates as provided in Section 5 of this Act. No voter shall be allowed to vote for individual delegates. No voter shall vote in any presidential preference primary other than the primary of the party of his registration.

(4) No candidate in any presidential preference primary held in the Commonwealth, who qualifies under Section 1, and Section 5 of this Act, can have his name placed upon the official ballot without his expressed written approval. Any candidate in any presidential preference primary held in the

Commonwealth may withdraw his name from candidacy at any time, and the Secretary of State shall remove his name from the official ballot.

(5) If the Uninstructed Delegation proposed by each State Central Committee of each political party, covered under the provisions of Section 1 of this Act, is uncontested by any candidate, who fulfills the provisions of Section 5 of this Act, then no presidential preference primary shall be held, and the Uninstructed Delegation shall constitute their respective parties delegation to the National Convention.

(6) If a candidate is successful in the primary election as provided in Section 6 of this Act then the numbered list of delegates filed by the candidate as provided in Section 5 of this Act shall be bound to vote for the candidate at the National Convention except as provided in Section 6 (7) and (8).

(7) The candidate as provided in Section 6 (6) of this Act may release the delegates pledged to vote for his candidacy at the National Convention or before by notifying each delegate in writing of his intention to do so.

(8) The delegates having been released from their pledge of support as provided in Section 6 (7) of this Act shall be free individually to vote for the candidate of their choice.

Section 7. This Act shall become effective on January 1, 1969.

## Calendar

**HB 3** with Committee Substitute attached thereto, **HB 230**, **HB 134** with Committee Amendment attached thereto, **HB 284**, **HB 210** with Committee Amendment attached thereto, and **SB 120** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Recess

Representative W. J. Reynolds moved that the House recess until 2:15 p.m. for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Senate Message

A letter from the Senate requested the return of **SB 31.**
Announcing passage of **SB 101.**

### Report on Enrolled Bills

The Committee on Enrollment reported **SB 20** had been examined and found correctly enrolled. **SB 20** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

### Motions, Petitions, and Communications (Cont.)

Representative Jones moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

### Introduction of Bills and Resolutions

**HB 421,** by Representative James: AN ACT relating to homes for aged or infirm.

**HB 422,** by Representatives Prather and Halleck: AN ACT relating to the transfer of motor vehicle registration upon transfer of ownership.

### Motions, Petitions, and Communications (Cont.)

Representative Morgan moved that **SB 31** be taken from the Committee on Health and Welfare and returned to the Senate.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Brown, Clapp, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Henry, Hinkle, Hoe, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Justice, Keene, Keith, Kidd,

Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, Russell Reynolds, Richey, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Webster, Wells, White, Wolchik, Wooley. Nays 6—Ballenger, Clark, Jones, Melton, Russell, Wesley.

The motion that **SB 31** be taken from the Committee on Health and Welfare and returned to the Senate was adopted.

Representative DeMarcus moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HR 61,** by Representative DeMarcus: A JOINT RESOLUTION creating a special joint committee to investigate the use of and traffic in narcotics, amphetamines, hallucinogenics and barbiturates on college campuses.

WHEREAS, recent news accounts of drug traffic among college students tear the hearts of concerned citizens everywhere; **and**

WHEREAS, the Kentucky General Assembly would be remiss in its responsibilities to the people of the Commonwealth were it to permit such events to pass unnoticed and unremedied; and

WHEREAS, such activity must be curtailed, and close public scrutiny serves as an effective force toward such curtailment;

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Committee on Committees of both the Senate and the House of Representatives be directed to appoint three members of each representative house to form a special joint committee to investigate the use of and traffic in narcotics, amphetamines, hallucinogenics and barbiturates on college campuses in Kentucky.

Section 2. That such joint committee shall have access to all records of every agency, division, department or institution, public or private, which has been the recipient of public funds. The committee may require information on oath of any person touching any matter which he is instructed to investigate, study or audit, and shall have the power to subpoena witnesses and records for such purpose, and otherwise compel the giving of evidence on the subject of its jurisdiction.

Section 3. That the State Board of Health and the Department of Health be directed to cooperate with the committee and assist in its investigation, and that the committee solicit the cooperation of the United States Food and Drug Administration and United States Public Health Service in such investigation.

Section 4. That the Federal Bureau of Investigation be requested to cooperate with the committee in the conduct of its investigation, and that all law enforcement agencies of the Commonwealth be and they hereby are directed to so cooperate.

Section 5. That the expenses of said committee shall be paid by the Legislative Research Commission from funds appropriated to the commission for expenditures by the General Assembly.

Representative DeMarcus moved the adoption of **HR 61.** Agreed.

**Motions, Petitions, Communications (Cont.)**

**HR 59:** A RESOLUTION adjourning the House of Representatives on Tuesday, February 20, 1968, in memory of J. T. Divine.

WHEREAS, J. T. Divine has passed from this earthly life; and

WHEREAS, Mr. Divine was always one to think and act with compassion toward his fellow man; and

WHEREAS, he devoted much time and effort in the work of his church and the civic affairs of his beloved community;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That when the House of Representatives adjourns on Tuesday, February 20, 1968, it does so in memory of J. T. Divine.

Section 2. That the Clerk of the House of Representatives be directed to send a copy of this resolution to Mrs. Divine.

Representative Richey moved the adoption of **HR 59.** Agreed.

Representative Blume moved that **HB 297** be given first reading, the report of the Committee on Education notwithstanding.

On the roll call the vote was yeas 63—Akers, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, Denham, Greer, Hampton, Hardin, Harper, Hinkle, Hoffman, Holbrook, Huff, Hunt, Isler, Johnson, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Webster, Wells, Wesley, Wright. Nays 9—W. F. Davis, James, Jones, Melton, Murphy, Riddle, Sartin, Vanover, White.

The motion that **HB 297** be given first reading, the report of the Committee on Education notwithstanding, was adopted.

**HB 297** was read at length for the first time and ordered placed in the Calendar.

WHEREAS, Jefferson County, Kentucky, has three (3) separate public school districts, i.e., Jefferson County, Kentucky, School District, Louisville Independent School District and the Anchorage Independent School District, and

WHEREAS, less than 750 students are enrolled in the Anchorage Independent School District, and

WHEREAS, in excess of 100,000 students are presently attending the Louisville Independent School District and the Jefferson County Kentucky School District, and

WHEREAS, there is much duplication of essential services, and

WHEREAS, the population pattern of Jefferson County, Kentucky, is rapidly shifting from the urban area of the City of Louisville, Kentucky, to the suburban area of Jefferson County, Kentucky, and recognizing that the Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky, desire to implement and improve their programs of quality education in order to fulfill the needs and desires of all the people, and

WHEREAS, the General Assembly has received satisfactory evidence that the creation of a Metropolitan Education District in Jefferson County, Kentucky, is peculiarly necessary to Jefferson County, Kentucky, and will facilitate area-wide action in school affairs to meet large scale, pressing and general needs;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A Metropolitan Education District, hereinafter called M.E.D., is established in Jefferson County, Kentucky, by combining the Louisville Independent School District with the Jefferson County, Kentucky, School District. Any other school districts now existing in Jefferson County, Kentucky, or which may hereafter exist in Jefferson County, Kentucky, may, under the terms of mutual agreement, become a part of M.E.D. pursuant to KRS 160.040 and 160.041. The primary purpose of M.E.D. shall be to give overall direction to the administration of the entire school system as defined and limited hereafter in Section 1, subsection (2):

(1) After the expiration of terms of office of the original M.E.D. Commissioners who have been selected as provided hereinafter, the governing body of M.E.D. shall be the Metropolitan Education Commission, hereinafter called the Commission. This

Commission shall consist of nine members elected to serve terms of four years each. Seven of the commissioners, one from each of the existing Senatorial Districts shall be elected and two commissioners shall be elected at large—one from the area composing the City of Louisville, Kentucky, and one from the area of Jefferson County, Kentucky, outside the boundaries of the City of Louisville, Kentucky.

(a) The terms of the office of the commissioners shall be staggered so that four are elected in one general election and five are elected in the general election held two years later. The general election at which the first commissioners are to be elected shall be designed by the first M.E.D. Commissioners, all in conformity with Section 4. At the first election of the commissioners, three shall be elected from the existing Senatorial Districts represented by the three appointed members of the Commission and one shall be elected from the Senatorial District designated by the M.E.D. Commission.

(b) Two years subsequent to the election of the first four M.E.D. Commissioners, five M.E.D. Commissioners shall be elected, three of these shall be from the remaining Senatorial Districts in which elections have not been held previously, and two shall be elected at large—one each from the area composing the City of Louisville, Kentucky, and one from the area of Jefferson County, Kentucky, outside the boundaries of the City of Louisville, Kentucky.

(c) Any vacancy on the M.E.D. Commission shall be filled pursuant to KRS 160.190, and all M.E.D. Commissioners shall have the same qualifications as school board members are required to have under KRS 160.180.

(2) The governing body of the M.E.D. shall carry out the following responsibilities:

(a) provide general school support, levy taxes for operation and capital expense;

(b) plan, coordinate, supervise and approve school construction through a planning staff established for that purpose;

(c) conduct research and planning;

(d) study the needs for and arrange for the establishment of special educational programs;

(e) furnish centralized purchasing, maintenance, warehousing, data processing, transportation, and some program supplements, such as instructional materials centers, data banks, retrieval services, and educational television programming;

(f) establish no fewer than five community school districts;

(g) draw up community school district lines so that each district will achieve, as nearly as possible, a balanced distribution of socio-economic and ethnic groups and of approximately equal pupil memberships;

(h) re-examine community district boundary lines periodically and modify them or establish new districts as needed; make provisions for the attendance of students in border areas;

(i) establish a Metropolitan Area School Board Members and Superintendents Association;

(j) create appropriate divisions or departments such as research and development, school construction, purchasing, warehousing, transportation, engineering, and maintenance.

(k) employ necessary personnel such as the Executive Director, consultants, coordinators and directors for divisions and departments, and (until June 30, 1971, and so long thereafter as needed) a Research Coordinator of Special Education Development;

(l) establish uniform salary ranges, uniform extra compensation, and uniform fringe benefits among the Community School Districts consistent with the law and the regulations of the State Board of Education;

(m) develop plans maximizing the teacher recruiting efforts of the total community utilizing the resources of both the M.E.D. and the Community School Districts;

(n) develop a school-community wide relations program which will assist and coordinate such programs in each local district; and

(o) establish a division of data processing.

(3) The chief administrative officer of the Metropolitan Education District shall be known as the Executive Director, who shall be appointed by the Metropolitan Education Commission for a term of four years, unless a shorter period is specified, which term may be renewed from time to time. The Executive Director shall be a competent educator and an experienced administrator. His qualifications shall comport with standards prescribed by the Kentucky Department of Education for superintendents of school districts. As the chief administrative officer of the Commission, he shall be responsible generally for the successful operation of the M.E.D., and particularly:

(a) recommend staff appointments to the Metropolitan Education Commission;

(b) exert leadership in establishing fiscal policies for the operation of the entire school system;

(c) furnish liaison between the Commission, the staffs of the Community School Districts, the State Department of Education, and any other related local, state, regional and federal agency;

(d) inform, advise and make recommendations to the Commission generally on all matters over which the Commission has policy jurisdiction, including the implementation of decisions made by the Commission;

(e) prepare and recommend to the Commission budgets and allocation of funds among the Community School Districts;

(f) be the executive agent of the Commission and have general management and supervision, subject to the control of the Commission, over the business affairs of M.E.D.; and

(g) perform such other duties as may be necessary to carry out the directives and policies of the Commission, and his responsibilities as the chief administrative officer of the Commission.

(4) The boundaries of the M.E.D. will be those presently included in the Jefferson County, Kentucky, School District and the Louisville Independent School District.

Section 2. The operation of the schools and the determina-

tion of their educational programs will be centered in five or more Community School Districts, the boundaries of which shall be established by the Commission under the guidelines herein established. Initially, and within the transition period of five years, there shall be two community school districts as defined under Section 4, subsection (5). If the Commission decides within five years to subdivide District No. 1 and District No. 2 into five or more districts, a referendum, substantially in the manner and as substantially provided for in KRS 160.477, on the matter will be held. After five years, if five or more districts have not been created, the Commission shall, after public hearings throughout the affected areas, create such districts or submit, subject to a referendum as aforesaid, the plan as covered in Section 1, subsection (2) (g) as above. The governing body and functions of said governing body for the Community School Districts shall be as follows:

(1) Each Community School District shall be governed by a Board of Education consisting of five members, to serve terms of four years each, in accordance with present laws governing the election and duties of school district board members.

(2) Acting under the policy directives of the Commission, the governing body of each district shall have primary responsibility for its education program, including, but not limited to the following:

(a) the employment of a Superintendent of Schools;

(b) the employment of teachers, principals, supervisory staff, and other personnel subject to the recommendation of the Superintendent;

(c) the devising of plans to maximize the teacher recruiting efforts of the total community, utilizing the resources both of the M.E.D. and the Community School District;

(d) the development of its curriculum;

(e) the establishment of in-service education opportunities;

(f) the development of procedures and methods for the evaluation of its performance;

(g) the creation of new and special programs as needed;

(h) the preparation of requests for supplemental funds to finance any of its special needs;

(i) the identification of the number of exceptional pupils (mentally retarded, physically handicapped, gifted, etc.) in its district and the nature and extent of their exceptions;

(j) the education of exceptional (both handicapped and gifted) and special-needs pupils in its district by establishing and supervising special education programs or contracting for the enrollment of such pupils in other school districts which maintain such programs;

(k) reports, information and budget requests to the Commission;

(l) the supervision of all its school property; and

(m) the performance of such other functions as may be delegated by the Commission or which may be necessary to carry out its responsibilities. The Community School Board may delegate any of these functions to its superintendent, not inconsistent with the law.

(3) The chief administrative officer for each Community School District shall be known as Superintendent of Community School District No._____. He shall be appointed by the Board of Education of the District in accordance with KRS 160.350. He may succeed himself, and he shall perform the duties set forth in KRS 160.370 and all other duties presently imposed upon him by the Kentucky Revised Statutes.

Section 3. After the creation of the M.E.D., income which has heretofore been paid to the Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky, from any source, shall be paid to the M.E.D. The M.E.D. shall take over all the assets and legal liabilities of the Districts who join in creating the M.E.D. Tax levies authorized for the payment of interest and the retirement of bonds or to create sinking funds for such purposes shall continue to be levied and collected over the same area by or for the M.E.D. in accordance with the laws under which the levies were originally made until all bonded obligations of the Board of Education of Jefferson County, Kentucky, and the Louisville Board

of Education have been retired. All subsequent tax levies or any subsequent obligations shall be created and incurred only by the M.E.D. All funds heretofore received by the Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky, under the Minimum Foundation Law and from the Commonwealth of Kentucky shall be paid to the M.E.D. in such a manner as will secure the most revenue for the District. All license fees now imposed and distributed by the Fiscal Court to the Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky, on an average daily attendance basis shall be paid to the M.E.D. In the event the Anchorage School District becomes a part of the M.E.D., then, revenue from license fees will be paid directly to the M.E.D.

Section 4. (1) After the effective date of this Act, the Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky, will meet and create the Metropolitan Education District, which shall become operative following the selection of nine Metropolitan Education District Commissioners, as hereinafter provided.

(2) After the creation of the Metropolitan Education District, the nine member Metropolitan Education Commission shall be established in the following manner;

(a) Members of either Board of Education whose term of office ends in 1970 shall become M.E.D. Commissioners, which will be a total of five commissioners. In the event any one of the five members is unable to serve, the Community School Board affected will fill the vacancy. Then that Board which has only two school board members whose terms of office end in 1970 shall select one additional M.E.D. Commissioner.

(b) These six M.E.D. Commissioners shall select three additional M.E.D. Commissioners.

(3) The selection and terms of office of the first nine M.E.D. Commissioners will be limited as follows:

(a) Their terms of office will be fixed so that a four-member-five-member pattern will be established, with biennial elections.

(b) No term will exceed four years, but a term of less than four years may be fixed for the first nine commissioners in order to establish the pattern hereinabove described.

(c) The terms of office for the first nine commissioners will be fixed by the two Boards, the Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky, in a joint meeting. In case of a deadlock, the deadlock shall be resolved by lot.

(4) Incumbent school board members will be eligible to serve on the M.E.D. Commission. All vacancies shall be filled in the manner presently prescribed by law, except incumbent members of the two Boards who are to become M.E.D. Commissioners may vote to fill the vacancies created by their selection.

(5) When the M.E.D. becomes operative, the M.E.D. shall be divided into two community school districts. The area now comprising the Jefferson County, Kentucky, School District shall be Community School District No. 1, and the area now comprising the Louisville Independent School District will be known as Community School District No. 2.

(6) Each of the two community school districts will be governed by a Community School District Board of Education, which will be composed of the five incumbent school board members of the Board of Education of Jefferson County, Kentucky, and the Board of Education of Louisville, Kentucky, at the time the community school districts are created. The terms of office of the five incumbent community school board members shall expire at the end of the term for which they were elected or appointed.

(7) When other community school districts are created by the M.E.D. Commission, any member of an existing board of education for a community school district will be a member of the board of education of the new community school district, provided, he is a resident of the area it comprises, and shall so serve for the expiration of the term for which he was originally elected or appointed. The M.E.D. Commission will appoint an additional number of board members so that the newly created community school district shall have a board of education con-

sisting of five members. The terms of the members of the board of education appointed by the M.E.D. will be until the next general election following their appointment, provided, that such general election is more than five months after their appointment.

(8) The present laws relating to filling vacancies on school boards shall apply, except as hereinabove provided.

Section 5. (1) Any teacher employed by any school district joining in the creation of the Metropolitan Education District who has achieved tenure or continuing service status will retain such right of tenure or continuing contract status, providing such teacher continues his or her employment by any community school district within the Metropolitan Education District without resignation or interruption, and whose contract has not been terminated.

(2) All personnel presently employed by any district joining in the creation of the Metropolitan Education District will be employed by the Metropolitan Education District or any one of the community school districts within the Metropolitan Education District in a comparable or more responsible capacity.

Section 6. In the event existing laws conflict in any manner with the provisions of this Act, the provisions of this Act shall prevail.

**HR 56:** A RESOLUTION requesting and petitioning Senators John Sherman Cooper and Thruston B. Morton, Representatives William H. Natcher, M. G. Snyder and William O. Cowger to obtain a congressional directive, instructing the U. S. Army Corps of Engineers or other proper Federal authority to conduct an updated economic feasibility study of the possibility of building a floodwall on the Ohio River and Salt River for flood protection of the northern Hardin County community of West Point, Kentucky, and immediate vicinity.

WHEREAS, there has been repeated flooding of the Ohio and Salt Rivers causing serious disruption in the lives of the people and extensive property damage to the community of West Point and the contiguous portion of southwestern Jefferson County; and,

WHEREAS, an economic feasibility study was made by the U. S. Army Corps of Engineers on southwestern Jefferson County as a result of the 1964 floods, concluding that a floodwall for southwestern Jefferson County was feasible and this project is now awaiting Congressional appropriations; and

WHEREAS, that particular study failed to iclude the West Point area; and

WHEREAS, the West Point area is on the same contiguous flood plain as southwestern Jefferson County and is an integral part of the Jefferson County economy, being bounded on the north by the metropolitan area of Louisville and Jefferson County and on the south by the Fort Knox military reservation; and

WHEREAS, flood protection for both the northern Hardin County community of West Point and southwestern Jefferson County would enhance the property values in this area and greatly improve the economy of the area;

WHEREAS, significant economic changes have occurred in the West Point area since the latest studies of 1960, and the same reasons for updating the 1960 southwestern Jefferson County studies also apply equally to the West Point area; namely, the damage and suffering resulting from the 1964 floods.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky:*

That the U. S. Corps of Engineers or other proper Federal authority be directed by the United States Congress to make an updated economic feasibility study of the possibility of building a floodwall along the Ohio and Salt Rivers providing flood protection for the northern Hardin County community of West Point and the immediate vicinity; and

That the Clerk of the House send copies of this resolution to Senators John Sherman Cooper and Thruston B. Morton, Representatives William H. Natcher, William O. Cowger and M. G. Snyder, Mayor Edward Mason of West Point, and to each of the six members of the West Point city council.

Representative Rickert moved the adoption of **HR 56.** Agreed.

## Orders of the Day

Representative Morgan moved that consideration of **HB 1,** with Committee Amendment attached thereto, and **HR 33** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 9,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Substitute to **HB 9.** Agreed.

On the roll call the vote was yeas 63—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Clark, Cox, Cruse, Walter F. Davis, Dawhare, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Hunt, Isler, Johnson, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, W. J. Reynolds, Russell, Sartin, Saylor, Schmidt, Smith, Stuart, Tobin, Webster, Wells, Wheeler, Wooley, Wright. Nays 7—DeMarcus, Denham, Halleck, Jones, McKinney, Prather, Rickert.

**HB 9** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 9** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 261** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume,

Blythe, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, James, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Simmons, Stuart, Tobin, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 2—Isler, Keene.

**HB 261** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 261** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 112** be deferred and that it retain its position in Orders of the Day. Agreed.

**HR 13** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler James, Johnson, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Sartin, Saylor, Schmidt, Siemens, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HR 13** was passed and the title agreed to.

Representative Holbrook moved that the vote by which

**HR 13** was passed be reconsidered and said motion be laid on the table. Agreed.

**HR 30** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HR 30** was passed and the title agreed to.

Representative Morgan moved that **HB 79** be recommitted to the Committee on Agriculture and Natural Resources. Agreed.

**HB 177,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mitchell moved the adoption of the Committee Amendment to **HB 177.** Agreed.

On the roll call the vote was yeas 91—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger,

Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mtichell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 177** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 177** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 82,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Lassiter moved the adoption of the Committee Substitute to **HB 82.** Agreed.

On the roll call the vote was yeas 75—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 0.

**HB 82** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 82** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 271** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 271** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 271** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 285** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Siemens, Simmons, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 285** was passed and the title agreed to.

Representative Morgan moved that the vote by which

**HB 285** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 286** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 81—Akers, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 286** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 286** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 107** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 122** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford,

Lassiter, Lawson, Louden, Maddox, Massey, May, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 122** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 122** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 205** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 88—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 205** was passed and the title agreed to.

Representative Stuart moved that the vote by which **HB 205** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 247** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Akers, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Cox, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Louden, Maddox, Massey, May, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wooley. Nays 4—Johnson, R. L. Miller, Peace, Wright.

**HB 247** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 247** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 208** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Wells, Wesley, Wheler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 208** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 208** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 250** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Cox, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 250** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 250** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 260** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stuart moved the adoption of the following Amendment to **HB 260:**

Amend printed copy of House Bill 260 on page 8, line 11, by:

striking the word *"may"* and substituting therefor the word *"shall"*

Agreed.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd,

Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, May, McBrayer, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Siemens, Smith, Stuart, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

**HB 260** as amended was passed and the title agreed to.

Representative Stuart moved that the vote by which **HB 260** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Russell moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HR 62,** by Representatives Russell, Wright, Floyd, Smith, Schmidt, Cruse, R. L. Miller, Clapp, Vanover, DeMarcus, Murphy, James, Alexander, Johnson and Kessinger: A CONCURRENT RESOLUTION requesting the University of Kentucky Research Foundation and the University of Kentucky to divest themselves of Maine Chance Farm by sale.

**HB 423,** by Representatives McCallum, Mitchell, Henry and Massey: AN ACT proposing to amend the Constitution by Kentucky as it relates to the subject of the General Assembly of the Commonwealth of Kentucky.

Representative Cox moved that the Rules be suspended for the purpose of making a motion. Agreed.

## Motion

Representative Cox moved that **HB 45** be taken from the Clerk's Desk and recommitted to the Committee on Labor and Industry. Agreed.

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, February 21, 1968.

On the roll call the vote was yeas 41—Alexander, Baker, Ball, Bamberger, Blandford, Clapp, Coffey, Cox, James A. Davis, DeMarcus, Greer, Harper, Hinkle, Hoe, Hopkins, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lawson, Louden, Massey, May, McNamara, Melton, Morgan, Pettit, Prather, Ray, Rickert, Russell, Sartin, Schmidt, Smith, Webster, Wheeler, Wooley. Nays 2—Blythe, Siemens.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 21, 1968

## FORTY-FIRST LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend J. Carter Roberts, Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives McGill, Simmons and Smith.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of February 20, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 63,** by Representatives Blandford, Greer, Richey, Wesley, Kessinger, Hoffman and Hopkins: A RESOLUTION requesting the Department of Child Welfare to proceed to construct and operate a reception and diagnostic center in Daviess County or a nearby county.

**HB 424,** by Representative McNamara: AN ACT relating to condemnation of land and improvements by privately owned colleges and universities.

**HB 425,** by Representatives Hoe and Hunt: AN ACT relating to criminal actions.

**HB 426,** by Representatives Hoe and Hunt: AN ACT relating to the defense of mental disease or defect in criminal prosecutions.

**HB 427,** by Representatives Hoe and Hunt: AN ACT relating to arrest.

**HB 428,** by Representatives Hoe and Hunt: AN ACT relating to offences against public order.

**HB 429,** by Representatives Hoe and Hunt: AN ACT relating to credit on sentence.

**HB 430,** by Representatives Hoe and Hunt: AN ACT relating to defense of alibi in criminal prosecutions.

**HB 431,** by Representatives Hoe and Hunt: AN ACT relating to obstructing fire fighting operations.

**HB 432,** by Representatives Hoe and Hunt: AN ACT relating to the discharge of indigent persons confined solely for failure to pay a fine or costs.

**HB 433,** by Representatives Hoe and Hunt: AN ACT relating to refusal to aid a peace officer.

**HB 434,** by Representatives Hoe and Hunt: AN ACT relating to the crime of resisting arrest.

**HB 435,** by Representatives Hoe and Hunt: AN ACT relating to criminal threats.

**HB 436,** by Representatives Hoe and Hunt: AN ACT relating to attempt to commit felonies and misdemeanors.

**HB 437,** by Representatives Hoe and Hunt: AN ACT relating to perjury and related offenses.

**HB 438,** by Representatives Hoe and Hunt: AN ACT relating to conspiracy in criminal cases.

**HB 439,** by Representative Blandford: AN ACT relating to the making by counties of traffic regulations.

**HB 440,** by Representative Denham: AN ACT relating to third class city annexation.

**HB 441,** by Representatives Murphy, Arnett and White: AN ACT relating to group and blanket disability insurance coverage.

**HB 442,** by Representatives Murphy, Arnett and White: AN ACT relating to disability insurance coverage.

**HB 443,** by Representatives Murphy, Arnett and White: AN ACT relating to medical assistance for certain needy persons, providing for optometric services.

**HB 444,** by Representatives Hoe and Hunt: AN ACT relating to criminal coercion.

**HB 445,** by Representative Blythe: AN ACT relating to legislation.

**HB 446,** by Representative Blythe: AN ACT relating to interest.

**HB 447,** by Representative Blythe: AN ACT relating to state income tax.

**HB 448,** by Representative Blythe: AN ACT relating to the Kentucky National Guard.

**HB 449,** by Representative Blythe: AN ACT relating to sanitation districts.

**HB 450,** by Representative Clapp: AN ACT providing for licensing of electricians and electrical contractors.

**HB 451,** by Representatives Pettit and Ball: AN ACT relating to highway safety.

**HB 452,** by Representative Prather: AN ACT relating to toxic blue.

**HB 453,** by Representative Baker: AN ACT relating to unemployment compensation.

### Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Banking and Insurance: **HB 411, HB 416.**
Cities: **HB 410.**
Counties and Special Districts: **HB 409.**
Education: **HB 413, HB 417.**
Elections and Constitutional Amendments: **HB 423.**
Health and Welfare: **HB 408, HB 414, HB 420, HB 421.**
Highways and Traffic Safety: **SB 101.**
Judiciary: **HB 415, HB 422.**
Public Utilities and Transportation: **HB 418.**
Labor and Industry: **HB 419.**
State Government: **HB 412, HR 62.**

## Senate Message

Announcing passage of **SB 27, SB 207, SB 85, SB 213, SB 225, SB 223, SB 31, SR 49, HB 8** with amendment, **HB 20, HB 115, HB 116, HB 118, HB 124, HB 133, HB 207** and **HB 61.**

## Report of Committees

The Committee on Rules reported **HB 213, HB 217, HB 243** with Committee Amendment attached thereto, **HB 2** with Committee Amendment attached thereto, **HB 110** with Committee Substitute attached thereto, **HB 293** with Committee Amendment attached thereto, **HB 326, HB 335, HB 70** with Committee Substitute attached thereto, **HB 170** with Committee Amendment attached thereto, **HB 210** with Committee Amendment attached thereto, **HB 134** with Committee Amendment attached thereto, **HB 128, HB 316** with Committee Amendment attached thereto, **HB 179, HB 246, HB 284, SB 120** and **SB 126** with Committee Amendment attached thereto with the expression of opinion that the same should pass.

The Committee on Banking and Insurance reported **HB 317, SB 81, SB 106** and **SB 129** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 317,** AN ACT relating to banks and banking.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

Notwithstanding any law to the contrary, a bank, trust company or combined bank and trust company electing under KRS 287.195 to close on a day other than Saturday and electing to remain open for business on the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 3rd day of June (Con-

federate Memorial Day, and Jefferson Davis Day), the 12th day of October (Columbus Day), and the 11th day of November (Veterans Day) shall not be required to close on the following Saturday but instead shall close on its normal closing day.

**SB 81,** AN ACT relating to insurance and groups.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. No insurer or any person on behalf of any insurer shall make, offer to make, or permit any preference or distinction in property, marine, casualty or surety insurance as to form of policy, certificate, premium rate, benefits, preferred distribution of profits or dividends, or conditions of insurance, on a group basis, based upon membership, non-membership, employment, or of any person or persons by or in any particular group, association, corporation, or organization, or employees of any particular employer, and shall not make the foregoing preference or distinction available in any event based upon any fictitious grouping of persons as defined in this code, such fictitious grouping being hereby defined and declared to be any grouping by way of membership, non-membership, license, franchise, employment, contract agreement or any other method or means, except, where under common majority ownership and the same direct operating management.

Section 2. The restrictions and limitations of this section shall not extend or apply to life, health, accident or disability insurance, or where those grouped are engaged in a joint venture or a common construction or demolition project.

Section 3. Nothing in this act shall apply to any company which confines its direct insurance business to this state and to the providing of insurance for the benefit of its members, or members of its parent or sponsoring organization, providing such company was in existence and confining its insurance business and operations in such manner prior to January 1, 1968.

**SB 106,** AN ACT relating to mortgage guaranty insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 295.010 of the Kentucky Revised Statutes is amended to read:

"Mortgage guaranty insurance" means insurance against financial loss by reason of nonpayment of principal, interest, *rent or* [and] other sums agreed to be paid under the terms of any note, [or] bond, *lease* or other evidence of indebtedness *constituting a charge on real estate, or* secured by mortgage, deed of trust, or other instrument constituting a lien [or charge] on real estate.

Section 2. Section 295.040 of the Kentucky Revised Statutes is amended to read:

For the protection of the people of this Commonwealth and for the purpose of protecting against the effect of adverse economic cycles, the company shall establish a contingency reserve which shall be maintained for one hundred *twenty* [eighty] months. To provide for this, the company shall annually contribute fifty percent of the earned premiums to this reserve. The earned premiums so reserved may be released, annually, after the specified time of one hundred *twenty* [eighty] months has elapsed. However, subject to the approval of the commissioner, this reserve may be available only for loss payments, when the loss ratio (incurred losses to premiums earned) exceeds twenty percent. This amount so used shall reduce the next subsequent annual release to surplus from the established contingency reserve.

Section 3. Section 295.050 of the Kentucky Revised Statutes is amended to read:

A mortgage guaranty insurer shall not at any time have outstanding a total liability, net of reinsurance, in excess of twenty-five times its capital, unassigned funds and contingency reserve. It shall not insure loans secured by properties in a single housing tract or a contiguous tract (not separated by more than one-half mile) in excess of ten percent of its capital, unassigned funds and contingency reserve. [Coverage may be provided only if the improvement on such real estate is a residential building or buildings designed for occupancy by not more than four families.]

**SB 129,** AN ACT relating to life insurance agents.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 304.572 is amended to read as follows:

(1) The commissioner, if he is satisfied with the honesty and trustworthiness of the applicant, may issue a temporary life insurance agent's license without requiring the applicant to pass a written examination, as follows:

(a) To the executor or administrator of the estate of a deceased person who at the time of his death was a licensed life insurance agent.

(b) To a surviving next of kin of such a deceased person, if no administrator or executor has been appointed and qualified, but any license issued under this subsection shall be revoked upon issuance of a license to an executor or administrator under subsection (1) above.

(c) To any agent appointed by an insurer issuing policies on the industrial plan, if such agent actually collects and services an industrial debit. The insurer and agent may assume that such license will be issued, effective as of the date of application, and may continue on such debit until notified to the contrary by the commissioner.

*(d) To an applicant for a license, other than as a disability insurance agent, pending an examination therefor.*

(2) No license issued under this section shall be effective for more than ninety days. The commissioner, in his discretion, may renew such license once upon proper application and for good cause.

(3) The amount of any license fee paid for such a temporary license shall be credited upon any license fee required for a permanent license which replaces the temporary license prior to the expiration of such temporary license.

Committee Amendment to **SB 129** is as follows:

Amend printed copy of Senate Bill 129 on page 2, lines 8 and 9, by:

striking the words *"other than as a disability insurance agent,"*

The Committee on Agriculture and Natural Resources reported **HB 257** with Committee Amendments attached thereto, **HB 322** with Committee Amendment attached thereto, **HB 280, HB 258** with Committee Amendments attached thereto, **HB 388** and **HB 342** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 257,** AN ACT relating to mining regulations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 352.020 of Chapter 352 of the Kentucky Revised Statutes is hereby repealed.

Section 2. A new section of Chapter 352 of the Kentucky Revised Statutes is created to read as follows:

(1) All active underground working places in a mine shall be ventilated by a current of air containing not less than 19.5 per centum of oxygen, not more than 0.5 per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases. The volume and velocity of the current of air shall be sufficient to dilute so as to render harmless, and to carry away, flammable or harmful gases. In bituminous-coal and lignite mines the quantity of air reaching the last open crosscut in any pair or set of entries shall not be less than six thousand cubic feet a minute, except that the quantity of air reaching the last open crosscut in any pair or set of entries in pillar sections may be less than six thousand cubic feet a minute if not less than six thousand cubic feet of air a minute is being delivered to the intake end of the pillar line.

(2) If the air at an underground working face in a mine, when tested at a point not less than twelve inches from the roof, face, or rib, contains more than 1.0 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of

accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such air shall not contain more than 1.0 per centum of methane.

(3) If a split of air returning from active underground working places in a mine contains more than 1.0 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, changes or adjustments shall be made at once in the ventilation in such mine so that such returning air shall not contain more than 1.0 per centum of methane.

(4) If a split of air returning from active underground working places in a mine contains 1.5 per centum of methane, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas, the employes shall be withdrawn from the portion of the mine endangered thereby, and all power shall be cut off from such portion of the mine, until the quantity of methane in such split shall be less than 1.5 per centum. However, in virgin territory in mines ventilated by exhaust fans, where methane is liberated in large amounts, if the quality of air in a split ventilating the workings in such territory equals or exceeds twice the minimum volume of air prescribed in subsection (1) of this section and if only permissible electric equipment is used in such workings and the air in the split returning from such workings does not pass over trolley or other bare power wires, and if a certified person designated by the mine operator is continually testing the gas content of the air in such split during mining operations in such workings, it shall be necessary to withdraw the employes and cut off all power from the portion of the mine endangered by such methane only when the quantity thereof in the air returning from such working exceeds 2 per centum, as determined by a permissible methane detector, a permissible flame safety lamp, air analysis, or other recognized means of accurately detecting such gas.

(5) In a gassy mine, air which has passed by an opening of any unsealed, abandoned area shall not be used to ventilate any active face area in such mine if such air contains 0.25 per

centum or more of methane; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane. For the purposes of this subsection, an area within a panel shall not be deemed to be abandoned until such panel is abandoned.

(6) In a gassy mine, air that has passed through an abandoned panel which is inaccessible for inspection, or air that has passed through a similar abandoned area which is inaccessible for inspection, or air which has been used to ventilate a pillar line, or air which has been used to ventilate an area from which the pillars have been removed, shall not be used to ventilate any active face area in such mine; but if this sentence cannot be complied with in such mine on the effective date of this section, such mine may continue to be operated after such date as it was operated immediately prior to such date, for a reasonable time until future mine development and ventilation of such mine can be changed to comply with this sentence. In no event shall such air be used to ventilate any area in such mine in which men work or travel if such air contains more than 1 per centum of methane.

(7) In a gassy mine, within four hours immediately preceding the beginning of a coal-producing shift, and before any workmen in such shift other than those who may be designated to make the examinations prescribed in this subsection enter the underground areas of such mine, certified persons designated by the operator of such mine to do so shall make an examination, as prescribed in this subsection, of such areas. Each person designated to act as such a mine examiner shall be directed to examine a definite underground area of such mine, and, in making his examination, such examiner shall inspect every active working place in such area and make tests therein with a permissible flame safety lamp for accumulations of methane and oxygen deficiency in the air therein; examine seals and doors to determine whether they are functioning properly; inspect and

test the roof, face, and rib conditions in the working places and on active roadways and travel ways; inspect active roadways, travel ways, approaches to abandoned workings and accessible falls in active sections for explosive gas and other hazards; and inspect to determine whether the air in each split is traveling in its proper course and in normal volume. Such mine examiner shall place his initials and the date at or near the face of each place he examines. If such mine examiner, in making his examination, finds a condition which he considers to be dangerous to persons who may enter or be in such area, he shall indicate such dangerous place by posting a "DANGER" sign conspicuously at a point which persons entering such dangerous place would be required to pass. No person, other than Federal or State mine inspectors or persons authorized by the mine operator to enter such place for the purpose of eliminating the dangerous condition therein, shall enter such place while such sign is so posted. Upon completing his examination such mine examiner shall report the result of his examination to a person designated by the mine operator to receive such reports, at a designated station on the surface of the premises of the mine or underground, before other persons enter the underground areas of such mine to work in such coal-producing shift. Each such mine examiner shall also record the results of his examination with ink or indelible pencil in a book kept for such purpose at a place on the surface of the mine designated by the mine operator. No person (other than a certified person designated under this subsection) shall enter any under ground area in a gassy mine, except during a coal producing shift, unless an examination of such area as prescribed in this subsection has been made within twelve hours immediately preceding his entrance into such area.

(8) In nongassy mines, an examination as prescribed in subsection (7) shall be made at least once in each calendar day during which coal is produced. Such examination shall be made within four hours immediately preceding the beginning of the first coal-producing shift on such day.

(9) The underground working places in all mines shall be examined for hazards by certified persons designated by the mine operator to do so, at least once during each coal-producing shift, or oftener if necessary for safety. In a gassy mine, such

examination shall include tests with a permissible flame safety lamp for methane, and oxygen deficiency. In all underground face workings in a gassy mine where electrically driven equipment is operated, examinations for methane shall be made with a permissible flame safety lamp by a person trained in the use of such lamp before such equipment is taken into or operated in face regions, and frequent examinations for methane shall be made during such operations.

(10) In a gassy mine, immediately before a roof fall is made in pillar workings, such workings shall be examined to ascertain whether methane is present. If in such examination methane is found in amounts that can be detected with a permissible flame safety lamp, a roof fall shall not be made until such gas is removed.

(11) In a gassy mine, all workings which are abandoned after the effective date of this section or the date such mine became a gassy mine, whichever is later, shall be sealed or ventilated. If such workings are sealed, the sealing shall be done in a substantial manner with incombustible material. One or more of the seals of every sealed area shall be fitted with a pipe and cap or valve to permit the sampling of gases and the measuring of hydrostatic pressure behind such seals. For the purposes of this subsection, workings within a panel shall not be deemed to be abandoned until such panel is abandoned.

Section 3. Section 352.030 of Chapter 352 of the Kentucky Revised Statutes is hereby repealed.

Section 4. Section 352.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of machinery powered by an internal combustion engine or motor in any coal mine within this Commonwealth is hereby prohibited, provided that the commissioner may if he is satisfied that it will not be injurious to the health or the safety of the employes authorize the use of diesel powered machinery under such reasonable general or special rulings and regulations as he may from time to time promulgate.

(2) No steam locomotive shall be used in any mine unless it is approved in writing by the commissioner.

(3) No operator, superintendent, or mine foreman shall provide a horse or mule stable inside any mine, unless it is approved in writing by the commissioner, *following notice pursuant to KRS Chapter 424.*

Section 5. Section 352.060 of Chapter 352 of the Kentucky Revised Statutes is hereby repealed.

Section 6. A new section of Chapter 352 of the Kentucky Revised Statutes is created to read as follows:

(1) Coal dust, loose coal, and other combustible materials shall not be permitted to accumulate in dangerous quantities in active underground workings of a mine.

(2) Where underground mining operations raise an excessive amount of dust into the air, water, or water with a wetting agent added to it, or other effective method shall be used to allay such dust at its source.

(3) All underground mines, except those mines or areas of mines in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within forty feet of all faces, and, if open crosscuts near such faces are less than forty feet therefrom such crosscuts shall be rock-dusted.

(4) In mines partially rock-dusted or in mines that are required to start rock-dusting, haulageways and parallel entries connected thereto by open crosscuts shall be rock-dusted. Back entries shall be rock-dusted for at least one thousand feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and crosscuts shall be rock-dusted.

(5) Where rock-dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the combined coal dust, rock dust and other dust will not be less than 65 per centum. Where methane is present in any ventilating current, the 65 per centum of incombustible content of such combined dust shall be increased 1 per centum for each 0.1 per centum of methane.

Section 7. Section 352.160 of Chapter 352 of the Kentucky Revised Statutes is hereby repealed.

Section 8. Section 352.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following shall apply to underground installations:

(a) On all haulage roads, landings and partings, where men are required to regularly work or pass under bare power wires placed less than six and one half feet above the top of the rail, suitable protection shall be provided. This protection shall consist of channeling the roof, placing boards along the wires and extending below them, or the use of some other approved device that affords protection.

(b) All machine feed wires shall be placed on glass or porcelain insulators which shall be so placed as to prevent the wires coming in contact with the coal.

(c) When the machine or feed wires are carried in the same entry as the trolley wire, they shall be placed on the same side as the trolley wire, between the trolley wire and rib, and shall be protected from contact therewith. Positive feed wires crossing places where persons or animals are required to travel shall be safely guarded or protected from such persons or animals coming in contact therewith, as provided in (a) of this subsection.

(d) All trolley and positive feed wires shall be placed on opposite sides of track from refuge holes or necks of rooms when so ordered by the Department, but wires, when protected as provided for in (a) of this subsection, may be placed across the necks of rooms. Switches or circuit breakers shall be provided to control the current at the mine and all important sections in the mine.

(e) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

(f) Ground wires shall be at least one-fourth as large as the circuit wires, but not smaller than No. 6 B & S gauge.

(g) Extra length or long trailing cables preferably shall be spread out in long open loops on clean, well rock-dusted floor where the cable can be protected against mechanical injury, but cables in suspended long loops will be acceptable,

(h) Trailing cables with more than six temporary splices shall be removed from service and the splices improved before further use.

(i) Single conductor trailing cables shall not be used on cutting machines.

(j) Circuits of four hundred forty volts, three-phase alternating current shall be of insulated wire from transformers connected star-star. The cable shall contain a fourth wire from the center of the transformer star and be connected to the frame of the motor, preferably utilizing a ground trip protective relay.

(k) The frames of hand-held electrically driven tools shall be properly grounded, and they shall be provided with fuses or circuit breakers.

(l) All pump frames and all pipe lines shall be grounded to the rail or the grounding system at about two hundred foot intervals, except non-metallic pipes, or pipes using insulated type couplings or pipes installed remotely from track or power systems.

(m) Cross-bonds shall be installed at about two hundred foot intervals along the track.

(n) High voltage cables shall be installed in intake airways, shall have shielding grounded and be buried in a ditch, or protected against contact, subject to approval by the department.

(o) High voltage cables shall have disconnecting switches, overload protective devices and lightning arresters at, or near, the outside end of the cable.

(p) Inside substations shall have the approval of the department before installation. They shall be in a separate air current. Barriers shall be provided to contain oil that may leak from transformers.

(q). All mine locomotives shall be fused or otherwise protected at the switch or at the nip.

(r) Electric wiring for rubber belt conveyors shall be installed in an intake entry separate from the belt entry. Any necessary wiring, including wiring for lights, that is to be used

in the belt entry, shall be carried from such adjoining entry directly to the point of use, and suitable fire-fighting equipment, much as rock-dust, shall be located at strategic points along the rubber belt line, and proper fire extinguishers shall be provided at the transfer points. The commissioner may prescribe any other safety measures for the prevention and combating of mine fires as they pertain to rubber conveyor belts.

(s) Telephone lines shall be provided with lightning arresters where the lines enter the mine and at the boxes on the outside.

(t) Telephone lines crossing trolley wires shall be carefully protected.

(u) Insulating mats shall be placed in front of switchboards, beside stationary motors, in decks of locomotives, telephones, etc.

(v) Ground wires in trailing cables shall be tested periodically for open circuit and/or high resistance joints.

(w) Power circuits in tipples, buildings, cleaning plants, and all inside electrical circuits should be de-energized when not in use over a long period.

(x) Where electric circuits cross over or pass under belt conveyors the wiring shall be protected by conduit.

(y) The preceding provisions as they pertain to the use of rubber belt conveyors shall apply only to installations made after March 6, 1952, and if any operator is unable to comply with these provisions, the department may prescribe the conditions under which the installation shall be made.

(2) The following shall apply to surface installations:

(a) High voltage lines shall be at least fifteen feet above the ground and at least twenty feet above the ground where there is a possibility of contact by traffic passing underneath.

(b) Protective barriers should be so constructed between high voltage wires and telephone wires, trolley circuits, and any other similar conveyor wires or circuits as to prevent their failure by the falling of such high tension lines across such other circuits, wires or conveyors.

(c) On four-wire circuits, the fourth or neutral wire terminating at transformers, or elsewhere, shall be of substantial construction to minimize any possibility of the wire being cut in two or damaged mechanically.

(d) On low voltage circuits, wires shall be supported on insulators except when cables made for use without insulators, which are of such design as can be safely used without insulators, are used.

(e) Lightning arresters shall be installed on all direct current and alternating current circuits entering a mine, regardless of voltage. Overload protection and disconnect switches should also be provided.

(f) Every metallic building in which electricity is used or connected with any circuit shall be effectively grounded.

(g) All transformer tanks shall be effectively grounded.

(h) Switch boxes, contractors, controllers and all other similar devices shall be kept free of dust accumulations.

(i) Transformer stations shall be housed or fenced in when lower than fifteen feet above the earth, and the fences shall be a minimum of six feet in height.

[(3) (a) Notwithstanding any provision of subsections (1) or (2) of this section, the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this section, to be constructed, maintained, operated or conducted in a different manner than specified in any provision of subsection (1) or (2) of this section, when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in subsection (1) or (2) of this section;

(b) The department may prescribe, after agreement with the affected parties, any other regulations with respect to aboveground or underground installations in connection with any mine operation when information is made available indicating that such regulation is reasonably necessary to prevent injury to, or loss of, life and property.]

Section 9. Section 352.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The use of black powder, either granular or in pellet form, and the use of dynamite for firing shots is prohibited in all underground coal mines in the State of Kentucky.

(2) Explosives shall be fired only by electric detonators of the proper strength except as provided for in KRS 352.260.

(3) When blasting is done electrically, only permissible single shot blasting units or permissible multiple shot blasting units shall be used unless blasting is done from the surface.

(4) Individual containers used to carry permissible explosives or detonators underground shall be constructed of substantial non-conductive material. The container shall be closed and maintained in good condition. When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(a) The bodies and covers of special cars and the containers shall be constructed of non-conductive material.

(b) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent.

(c) Cardox shells shall not be carried on man-trips.

(d) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip. When traveling with the air current, the explosive trip shall precede the man-trip; when traveling against the air current, the man-trip shall precede the explosive trip.

(5) Explosives and detonators shall be transported underground by belt only under the following conditions:

(a) In the original and unopened case, in special closed cases constructed of non-conductive material, or in suitable individual containers.

(b) Ample clearance shall be provided when transported by belt.

(c) Suitable loading and unloading stations shall be provided.

(d) There shall be an attendant at loading and unloading points and stop controls at these points.

(6) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(7) Underground section boxes or magazines shall be of substantial construction and placed in a crosscut or idle room neck at least twenty-five feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place; and when such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a four inch substantially fastened hardwood partition or the equivalent. Not more than a forty-eight hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines. Explosives kept near the working faces in individual containers shall be kept not less than fifteen feet from rail or power lines and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar conditions. Explosives and detonators shall be kept in their containers fifteen feet apart until removed for use at the working faces.

(8) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(9) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(10) To prevent blowthroughs, all portions of the boreholes, where the height of the coal permits, shall have a burden in all directions of at least eighteen inches before being fired.

(11) Boreholes shall be stemmed with at least twenty-four inches of incombustible material, or at least two-thirds of the length of the hole shall be stemmed.

(12) Examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done in [gaseous] *gassy* mines.

(13) When blasting coal, charges exceeding one and one-half pounds, but not exceeding three pounds, shall be used only if boreholes are six feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the hole stemmed solidly for a depth of at least twenty-four inches.

(14) Shots shall be fired by qualified shot firers.

(15) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(16) Only wooden tamping bars shall be used when charging holes.

(17) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(18) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(19) Roof and faces of working places shall be tested before and after blasting on shift.

(20) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(21) Mixed charges shall not be charged or fired in any borehole.

(22) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(23) Blasting cables shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around the corner, short-circuited at the battery end until ready to attach to the blasting unit, staggered as to length or kept well

separated when attached to the detonator leg wires, and kept clear of power wires and all other possible sources of active or stray currents.

(24) Where misfires occur with electric detonators, a waiting period of at least five minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short circuited before electric connections are examined. If fuse is used a waiting period of twelve hours shall elapse before returning to the face. Explosives shall be removed by firing a separate charge at least two feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out. A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive. The handling of a misfired shot shall be under the direct supervision of the foreman or a competent person designated by him.

(25) The provisions governing the handling, storage and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells. Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars except where transported on rubber belts and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least ten feet from power lines and haulage tracks. Where Cardox is used for blasting, the following shall apply:

(a) Cardox shells need not be tamped or stemmed;

(b) When Cardox is fired, all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place;

(c) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(d) The charge shall be detonated with a permissible shot firing unit;

(e) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(f) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of five minutes and shall be handled under the supervision of a foreman or other competent designated person.

(g) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(26) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(a) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of twenty thousand pounds a square inch.

(b) Air lines shall be grounded at the compressor, and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(c) Unions shall be installed in steel air lines at not more than one-thousand foot intervals.

(d) Shut-off valves shall be installed every one thousand feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(e) Airdox lines shall be protected at places where equipment passes over, under or adjacent to them.

(f) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(g) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(h) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically because of the dangers from kinks and crystallization.

(i) Blow-down valves shall not be less than forty-five feet from the face and shall be around a right angle.

(j) Holes for Airdox tubes shall not be drilled on the solid.

(k) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn six to twelve inches to form an air cushion.

(l) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(m) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(n) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve, and the tube shall be dragged by means of the copper line to an abandoned place marked with warning signs, and left for twelve hours before any repair work is done thereon.

(o) All persons shall be removed from adjoining, working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

[(27)] Notwithstanding any provision of this section except subsection (1) of this section, the department may authorize the construction, maintenance, operation or conducting of any activity regulated by this section to be constructed, maintained, operated or conducted in a different manner than specified in any provision of this section except subsection (1) of this section when scientific or engineering information is made available to the department substantially indicating that the different manner would afford equal or greater protection and safety than the manner required in any provision of this section.]

Section 10. Section 352.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all gassy [or gaseous] mines the operator or superintendent shall employ one or more certified fire bosses or other properly certified persons. The fire boss or other properly certi-

fied person shall examine carefully within three hours before each shift enters the mine, every working place, all places adjacent to live workings, every roadway, every unfenced road to abandoned workings, and all falls in the mine. Before proceeding with the examination he shall see that the air current is traveling in its proper course. In making the examination he shall use an approved safety lamp. The fire boss or other properly certified person shall examine for all dangers in all portions of the mines under his charge, and after examination he shall leave at the face of every place examined the date of the examination and his initial as evidence that he has performed his duty. He shall also examine the entrances to all worked-out and abandoned portions adjacent to the roadways and working places under his charge where explosives gas is likely to accumulate, and he shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning for persons not to enter. When the mine is idle and workmen are required to go into the mine, the section, portion or part of mine entered if gassy [or gaseous] must be inspected by a fire boss or other properly certified persons within [three] *four* hours before the workmen enter.

*(2) In a nongassy mine, a fire boss examination shall be made at least once in each calendar day during which coal is produced. Such examination shall be made within four (4) hours immediately preceding the beginning of the first coal-producing shift on such day.*

Section 11. Section 352.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The operator of any mine may adopt special rules consistent with KRS Chapters 351 and 352 for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the commissioner. The rules, when adopted and approved in writing by the commissioner, shall be printed on cardboard in the language spoken by seventy-five percent or more of the employes at the mine, and shall be posted on a bulletin board or some other conspicu-

ous place about the mine where they may be seen by the employes at the mine. [When the rules are so adopted, approved and posted, all employes at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.]

(2) The mine rules shall be printed in a form prescribed by the commissioner.

(3) Each mine operator, when requested by an employe, shall furnish him a copy of the mine rules.

Section 12. KRS 352.990 is amended to read:

Any person who violates any of the provisions of KRS [352.020 to] 352.040, subsection (1) of KRS 352.050, KRS *352.070* [352.060] to 352.090, KRS 352.110 to 352.140, [or] subsection (1) of KRS 352.190 *or sections 2 or 6 of this act* shall be fined not less than twenty-five nor more than two hundred dollars.

(2) Any person who violates any of the provisions of subsections (2) or (3) of KRS 352.050, subsection (2) of KRS 352.190, KRS 352.220, subsection (6) of KRS 352.230 or KRS 352.250 shall be fined not less than twenty-five nor more than two hundred dollars.

(3) Any person who violates any of the provisions of KRS 352.100 shall be fined not less than twenty-five nor more than one hundred dollars.

(4) Any person who violates any of the provisions of KRS 352.150 shall be fined not less than twenty-five nor more than two hundred dollars.

(5) Any person who shall violate any of the provisions of KRS 352.170 or 352.180 shall be fined not less than twenty-five nor more than two hundred dollars.

(6) Any person who violates any of the provisions of KRS 352.200, 352.210 or 352.240 shall be fined not less than twenty-five nor more than one hundred dollars. [Any person who violates any regulation validly prescribed by the department pursuant to KRS 352.220, subsection (3) (b) shall be fined not less than twenty-five nor more than one hundred dollars.]

(7) Any coal operator, manager, superintendent, mine foreman, fire boss or machine runner who violates any of the provisions of KRS 352.230 shall be fined not less than twenty-five nor more than two hundred dollars.

(8) Any person who violates any of the provisions of subsections (1), (2) or (4) of KRS 352.260 shall be fined not less than twenty-five nor more than two hundred dollars.

(9) Any person who violates any of the provisions of KRS 352.270 shall be fined not less than twenty-five nor more than one hundred dollars.

(10) Any person who violates any of the provisions of KRS 352.320 to 352.390 shall be fined not less than twenty-five nor more than two hundred dollars.

(11) Any person who violates any of the provisions of KRS 352.280 to 352.310 shall be fined not less than fifty nor more than two hundred dollars.

(12) Any coal operator, manager, superintendent, mine foreman or employe who violates any of the provisions contained in any mine rules after they have been approved as provided by KRS 352.400 shall be fined not less than twenty-five nor more than one hundred dollars.

(13) Any coal operator, manager, superintendent or mine foreman who violates any of the provisions of KRS 352.410 or 352.420 shall be fined not less than twenty-five nor more than two hundred dollars.

(14) Any district mine inspector, coal operator, manager or superintendent who violates any of the provisions of KRS 352.430 shall be fined not less than twenty-five nor more than two hundred dollars.

(15) Any operator, manager, superintendent or engineer who violates any of the provisions of KRS 352.450 to 352.480 shall be fined not less than twenty-five nor more than two hundred dollars.

(16) Any owner, tenant, company, corporation, manager, engineer, mine foreman or employe who violates any of the pro-

visions of KRS 352.490 or 352.500 shall be fined not less than fifty nor more than three hundred dollars.

(17) Any person who violates any of the provisions of KRS 352.510 fixing the distance from wells within which mining operations may be conducted without the approval of the department, and any person who violates any of the terms of an order of the department allowing mining operations within a lesser distance of any well than that prescribed by law shall be fined not more than two hundred dollars or imprisoned for not more than twelve months, or both.

(18) Any inspector of mine weights, coal operator, superintendent, agent, company weighman or check weighman who violates any of the provisions of KRS 352.520 or 352.530 shall be fined not less than twenty-five nor more than two hundred dollars.

(19) Any person, company or corporation that violates any of the provisions of KRS 352.540 or 352.550 shall be fined not less than fifty nor more than one hundred dollars for each violation.

Committee Amendment No. 1 to **HB 257** is as follows:

Amend printed copy of House Bill 257 on page 11, line 25, by:

striking out the word "much" and inserting in lieu thereof the word "such"

and on page 13, line 18, by striking out the word "contractors" and inserting in lieu thereof the word "contactors"

and on page 21, line 17 by striking out the bracket "]" following the figure "(27)"

Committee Amendment No. 2 to **HB 257** is as follows:

Amend printed copy of House Bill 257 on page 22, line 26, by:

substituting for the words "a fire boss examination" the words: "a pre-shift examination"

and on page 23, line 2, by adding the following sentence:

"Such examination shall be performed, to determine if any hazardous conditions detrimental to the health and safety of men,

by a man certified to perform such examinations by the State Department of Mines and Minerals."

**HB 322**, AN ACT relating to livestock dealers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in this Act, unless the context requires otherwise:

(1) "Division" means the Division of Livestock Sanitation, Department of Agriculture.

(2) "Livestock" means cattle, sheep, swine, goats, horses or any other animals of the bovine, ovine, porcine, caprine or equine species.

(3) "Person" means any individual, firm, partnership or corporation.

(4) "Livestock Dealer" means any person who buys, sells or offers to buy, sell, exchange, barter or negotiate the sale of livestock in this state whether the livestock were raised in this state or imported into this state from another state.

(5) "Farmer" means a person who buys or sells livestock in connection with the operation of a business of breeding, growing and feeding livestock as a part of an established farming enterprise and who does not follow a definite pattern in disposing of livestock.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

No provision of this Act shall be construed as applicable to:

(1) a farmer who sells only livestock which he has produced and raised on his premises,

(2) a person who offers for sale or trade only livestock which he has owned or has in his possession for a period of sixty days or longer and who is not regularly engaged in the business

of buying, selling, trading or negotiating the transfer of livestock,

(3) a person who purchases only livestock for feeding or breeding purposes and retains said livestock in his possession for a period of sixty days or longer and who is not regularly engaged in the business of buying, selling, trading or negotiating the transfer of livestock,

(4) a person engaged in the business of buying and slaughtering livestock for food and in marketing the meat products therefrom, provided all animals purchased are slaughtered,

(5) a person who is a duly authorized representative of the agricultural extension service or a college of the Commonwealth for the distribution of livestock in related programs,

(6) a person engaged in the purchase or sale of livestock used exclusively for exhibition or entertainment purposes in the pursuit of a hobby.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

Each non-resident livestock dealer, except a foreign corporation, shall file with the Department an irrevocable consent that actions against the applicant may be filed in the circuit court of the county where the plaintiff resides or where some part of the transaction occurred out of which the alleged cause of action arose and that process in any action may be served on the applicant by leaving two copies thereof with the Director. Such consent shall stipulate that such service of process is valid for all purposes.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Each resident and non-resident livestock dealer shall maintain records of each livestock transaction under this Act including date of purchase, name and address of person from whom livestock is purchased, species, number of livestock involved, identification of livestock, date of resale, name and address of person to whom sold. Each of such dealers shall permit representatives of the Division of Livestock Sanitation of the Ken-

tucky Department of Agriculture to inspect said records for 90 days.

Section 5. Any livestock dealer who violates the provisions of this Act shall be fined not more than one hundred ($100.00) dollars.

Committee Amendment to **HB 322** is as follows:

Amend printed copy of House Bill 322 on page 3, line 5, by:

deleting Section 3 and renumbering Section 4 as Section 3 to read as follows:

"Section 3. Each resident of the Commonwealth and each non-resident of the Commonwealth livestock dealer shall maintain records of each livestock transaction under this Act including date of purchase, name and address of person from whom livestock is purchased, species, number of livestock involved, identification of livestock, date of resale, name and address of person to whom sold. Each of such dealers shall permit representatives of the Division of Livestock Sanitation of the Kentucky Department of Agriculture to inspect said records at any time within ninety (90) days of date of purchase in carrying out the provisions of Chapter 257."

Also, Section 5 should be renumbered as Section 4.

**HB 280,** AN ACT relating to the control and eradication of noxious weeds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act unless the context requires otherwise:

(1) "Board" means the State Board of Agriculture;

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics;

(3) "County Board" means the County Weed Control Board established by this Act;

(4) "Department" means the Department of Agriculture, Labor and Statistics;

(5) "Division" means the Division of Pest and Noxious Weed Control of the Department;

(6) "Landowner" means any individual, firm, partnership, corporation, organization, association, or any combination thereof who owns, leases or otherwise controls land located within the county outside of any city, for any purpose;

(7) "Noxious weed" includes Nodding Thistle (Carduus Nutans), Johnson grass (Sorghum Halepense) and any plant determined by the State Board of Agriculture to be injurious to public health, crops, livestock, land or other property; and

(8) "Weed control area" means any area composed of two or more counties established by the board under this Act to promote the control of noxious weeds.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

Every landowner who is directed to control noxious weeds under the provisions of this act shall use the methods of control of the spread and eradication of noxious weeds on lands owned or controlled by him in accordance with methods prescribed by the department.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) The Board may promulgate reasonable rules and regulations establishing official methods for the control or the eradication of noxious weeds in Kentucky, including but not limited to, Johnson grass and Nodding Thistle. The rules and regulations deemed necessary by the board to carry out the control provisions of this Act shall be published as a part of the Act and they may be altered or suspended at the will of the Board.

(2) Official control methods adopted by the Board shall be based on the research recommendations of the Agronomy Department of the University of Kentucky, or other responsible agencies and recommended as reasonable control practices for

the majority of the Kentucky communities infested by the weed for which the regulations are adopted.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) Upon the petition of ten percent of the landowners in any county, the county court shall submit to an election the question of whether a threat exists to the agricultural economy and the pastoral resources of the county by reason of the growth and infestation of Nodding Thistle or other specified noxious weeds.

(2) The petition may consist of one or more separate units and shall be filed with the county court clerk. Each subscriber to the petition shall state his name, post office address, voting precinct in which he is registered, that he owns land in the county outside of a city and the date of signing.

(3) No subscriber may withdraw his name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition without his authority, he may appear before the county court before the election is ordered and, upon proof that his name was placed on the petition without his authority, his name may be eliminated by an order of the court.

(4) Upon the filing of the petition, the county court shall enter an order directing the publication of notice of the filing as required by KRS Chapter 424 before the next general election. The cost of publication shall be paid by the fiscal court out of county funds. The court shall enter a further order directing the clerk of the county to have placed upon the ballot at the next general election the question, "Are you in favor of establishing a county weed control district for the purpose of preserving the pastoral advantages of the area by controlling Nodding Thistle and other destructive weeds?", with proper squares in which the voter may indicate "yes" or "no". At any such election, the voting, making returns thereof, and casting up the result shall be governed in all respects by the laws applicable to general elections for state and county purposes.

(5) The vote shall be canvassed and returned by the Board of Election Commissioners for the general election and certified to the county court. If a majority of those voting on the proposition vote "yes", the clerk, within 10 days after the election, shall notify the Commissioner of Agriculture of the results of the election. If a majority of the votes cast at the election are not in favor of establishing the district, the question shall not be resubmitted for at least two years after the election.

(6) The commissioner shall, within 30 days after receipt of the notice from the clerk of the county court, declare the county a "nodding thistle control district" or a "district for the control of noxious weeds" for which a district has been approved by the voters and the commissioner shall cause a suitable notice to be published pursuant to KRS Ch. 424. The notice shall state, among other things, that the county has been declared a control district and that all property owners in the county shall, not later than the time recommended by the Board of Agriculture for the subsequent year, take steps toward controlling and eradicating the weed to be covered by the specified district on all lands owned by the landowners of the county.

(7) The commissioner shall, upon receipt of the notice of the vote of the district from the county court clerk, appoint a three-man county weed control board, composed of farmers and citizens of the county interested in controlling nodding thistle or other weed control authorized by the district, to serve as advisers and to assist in the administration of this Act and to perform other duties prescribed by this Act and by the commissioner. The board shall meet at least quarterly and at such other times as it may determine. Its organization shall be prescribed by regulations of Board of Agriculture. Members of the board shall receive no salary, but shall be fairly reimbursed by the county court for necessary expenses incurred in performance of their duties.

(8) Appointments of county weed control boards will be for a term of three years with the initial appointment being made as follows: one man for one year, one man for two years, and one man for three years, and each year thereafter, one man will be

appointed for three years to fill the expired term. Vacancies shall be filled by the commissioner for the unexpired term.

(9) The county weed control board, under the supervision of the commissioner, shall inspect or cause to be inspected, all of the county between the date of July 15 and October 15 of each year or at any other appropriate time after the county is classed as a "nodding thistle control district" or a "district for the control of noxious weeds". The commissioner, or his designated representative, as well as the County Board or the designated representative of the County Board, may enter upon all land in the county in making inspections, eradicating noxious weeds or performing any other duties imposed by this Act. All failures to comply with the provisions of this Act shall be reported to the county attorney of the county and it shall be his duty to prosecute all violations of this Act.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

The county weed control board shall:

(1) Become and continue to be fully informed of the requirements of the law establishing control districts for nodding thistle and other noxious weeds and be informed on the control measures recommended by the weed control specialists of the University of Kentucky and the official practices published by the Board of Agriculture.

(2) Select the personnel deemed necessary to plan and conduct the county weed control program.

(3) Notify public utilities, state highway department, district personnel, fiscal courts, railroads, officials of local utility districts, city authorities, and other public corporations concerning the Act and requirements for compliance.

(4) Review the maps, reports, and records kept on farm inspections to determine the progress of the eradication and control program and report to the commissioner the names of those landowners not complying with the requirements of the law.

(5) Take such measures as are necessary to eradicate and control nodding thistle or other noxious weeds in cases where the landowners fail to eradicate and control same.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

The county weed control board shall appoint, and with the approval of the fiscal court fix the compensation of, a weed inspector who possesses the qualifications prescribed by the Board of Agriculture. The inspector shall be the weed control superintendent in the county and, subject to the supervision of the county board, shall exercise all functions of the county board. The weed control superintendent shall serve at the pleasure of the county board. With the approval of the county board which first employed him an inspector may also act as superintendent in any adjoining county or in a weed control area.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

(1) If any landowner who holds land on which nodding thistle or other noxious weeds are growing and likely to ripen seed, fails, neglects or refuses to cut or otherwise destroy them the county board shall give five days' notice to the landowner (including the record title holder and the holder of any encumbrance appearing of record) to cut and destroy the specified weeds. If any landowner is a nonresident of the county, the notice shall be served upon any person residing on the land and published pursuant to KRS Chapter 424. On neglect or refusal of the landowner to cut and destroy the thistle at the end of five days after the notice has been served or published the county board shall enter upon the land and cut down and destroy the noxious weeds. Any peace officer at the request of the county board or its representative shall accompany the persons employed by the county board in carrying out its duties under this section.

(2) All reasonable costs incurred by the county board in exercising its functions under this section may be recovered from the landowner by the county board. The costs include fees of officers for serving the notices, publication costs, compensation for cutting and destroying the thistles and a reasonable allowance for the peace officer, based on the time he was present while the noxious weeds were being destroyed.

(3) Immediately after thistles or other noxious weeds are cut by the county board under this section a demand for pay-

ment of the costs shall be mailed to the landowner. If within sixty days after the mailing of the demand, the amount thereof is not paid to the county board, the county board shall have a lien upon the land on which the thistles were destroyed for the amount of the costs of such destruction. Notice of the lien shall be filed by the county board in the office of the county court clerk in the county where the land is located. The clerk shall file the notice in the same manner as notices of lis pendens are filed, and the amount thereof shall be collected by the sheriff in the same manner as state and county taxes under KRS 134.420. The lien shall take precedence over all other liens, whether created prior or subsequent to the filing of the notice of lien, except liens for state and county taxes and prior improvement taxes.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

The fiscal court of any county declared a Nodding Thistle Control District or a district for the control of noxious weeds or a specified noxious weed, upon request of the county weed control board, shall levy upon all property subject to its authority a tax in an amount not to exceed five cents on each $100 assessed valuation for the purpose of paying the expenses of the county weed control board in the performance of its duties under this Act. All funds collected by the county sheriff under this Act shall be deposited in the county treasury in a special fund and shall be paid out on requisitions signed by the chairman of the county weed control board and countersigned by the superintendent in accordance with regulations of the State Board of Agriculture.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The State Board of Agriculture shall divide the state into weed control areas for the purpose of promoting noxious weed control programs. The weed control areas shall have, as nearly as possible, similar crop and pasture conditions, and the boundaries shall be established, as nearly as possible, in line with the districts for conducting weed control work provided by the University of Kentucky Agricultural Extension Service.

(2) A weed control area shall only be established when more than half of the counties included in the area have established weed control districts and have county weed control boards. A weed control area shall be governed by a board consisting of the chairman or other designee of the various county boards within the area.

(3) Counties within a weed control area are subject to all provisions of this Act, and they shall be obligated to raise their proportionate share of the finances for administering the Act. Each county within the weed control area shall contribute to the expenses thereof in the ratio that the square mileage of the county bears to the total square mileage within the weed control area. The finances shall be administered by the governing board of the weed control area. All contributions from county weed control districts shall be raised as prescribed in Section 9 of this Act.

(4) The governing board shall elect annually from among its members a chairman, a vice-chairman, a secretary, and a treasurer. The chairman may not succeed himself. The governing board shall make provision for the bonding of such of the officers and employees of the fund as may be appropriate. The governing board shall adopt bylaws and conduct its business in line with good practices of weed control and with the advise of the weed control specialists at the University of Kentucky and in line with the recommendations of the State Board of Agriculture.

(5) The governing board may establish advisory and technical committees composed of state, local, and federal officials and private persons to advise it with respect to any one or more of its functions.

(6) The governing board of the weed control area shall report to the county boards in the area and to the division in the manner provided by regulations of the board.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Any county classified as a weed control district which is not a part of a weed control area or which is within a weed control

area composed of counties half or more of which are not weed control districts may terminate its status as a weed control district by the same method prescribed for establishing the county as a weed control district.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

The division shall promote, sponsor and conduct programs for the control of pests and noxious weeds and enforce related regulatory and service measures assigned to the department. In carrying out such duties the division may:

(1) Utilize the services of state advisory committees to be composed of persons interested in noxious weed control appointed by the commissioner. Permanent membership of such committees shall consist of: the Commissioner of Agriculture, ex-officio chairman; Chairman of the Department of Agronomy of the University of Kentucky; Director of the Division; and the Commissioner of Highways, or their appointed representatives;

(2) Enforce regulations promulgated by the board for the eradication and control of noxious weeds, and pests;

(3) Cooperate with University of Kentucky district and state agricultural extension weed control specialists, vocational agricultural teachers, civic groups, or any federal, state, or county agency conducting intensive educational programs on weed and pest control and promoting county organizations to conduct control and eradication practices;

(4) Conduct or assist any governmental agency in conducting local or county-wide surveys to determine the degree of noxious weed infestation;

(5) Cooperate with federal or state agencies in research and educational work in the field of pests and noxious weed control;

(6) Assist counties in qualifying for cost sharing programs to control noxious weeds;

(7) Publicize the threat of noxious weeds and pests and methods of combating them;

(8) Cooperate with the Department of Highways, county fiscal courts, power companies and associations, transportation and industrial organizations in controlling noxious weeds on their premises and rights-of-way;

(9) Promote the organization and activation of weed control districts and the necessary local finances for the operation of district efforts.

(10) Promote weed control meetings or other educational conferences, in cooperation with University of Kentucky weed control specialists, as required to promote an efficient program within each official control district or within each area sponsoring an organized control effort.

(11) Accept federal and other funds or contributions to carry out the purposes of this Act.

Section 12. A new section of the Kentucky Revised Statutes is created to read:

The existence or growth of Nodding Thistle or other noxious weeds for which control districts or weed control areas have been established is declared to be public and common nuisance and the county attorney for the county shall bring an action in the circuit court of the county to enjoin such nuisance. The action shall be in the name of the State of Kentucky, and shall be against all persons permitting or maintaining such nuisance. The complaint in such court action shall state that advance notices of the action have been served upon the defendants and that the defendants have taken no suitable action to comply with the provisions of the law prior to the filing of the complaints. Any landowner whose land is adjacent to, or within 100 feet of, land on which such nuisance is permitted or maintained and where the owner thereof is not undertaking a nodding thistle control program or a control program for other noxious weeds authorized by a district, may bring civil action for injunction against any person permitting or maintaining such nuisance. In the action, in addition to injunctive relief, the landowner shall be entitled to recover as a penalty the sum of $500, as well as a reasonable attorney fee and any actual damages sustained as the result of such nuisance. This provision shall become effective and will be

in full force on April 1 of the year following that in which nuisance existed as declared by this Act.

Section 13. A new section of the Kentucky Revised Statutes is created to read:

(1) No person, company, or corporation shall sell or offer for sale, barter, or give away, refuse or screening from seed cleaning operations containing seeds of noxious weeds unless the viability of the noxious weed seeds has been destroyed or they are sold for consumption on the same farm where they have grown or they may be sold to commercial processors or commercial feed mixers where the process destroys the viability of the seed.

(2) No person, company, or corporation shall maintain conditions that will contribute to the dissemination of nodding thistle or other weed seed or be responsible for bringing machinery into the state or upon farm land of others without first cleaning the equipment free from weed seed, contaminated earth and litter. Each machine operated by a person doing work for another shall bear appropriate information pertaining to this prohibition as prepared by the State Board of Agriculture.

Section 14. A new section of the Kentucky Revised Statutes is created to read:

All public utilities, the State Highway Department, the fiscal court, railroads, drainage districts, special road districts and other public and quasi-public corporations and every landowner in a nodding thistle or other noxious weed control district shall:

(1) Control and eradicate nodding thistle and any other noxious weed so declared under a district control program and prevent its regrowth and reinfestation on all lands, rights-of-way and easements owned, occupied or controlled by them;

(2) Employ methods of control and eradication for the prevention of the regrowth and reinfestation of nodding thistle or any other noxious weed as directed by the commissioner or the county weed control board;

(3) Comply with all orders, rules and regulations promulgated by the commissioner pursuant to the provisions of this law.

Section 15. (1) Any person who violates any provision of this Act or any regulation promulgated thereunder shall be fined not more than $100 or imprisoned not more than ten days or both.

(2) Any person who forges the name of a landowner on a petition under Section 3 of this Act or makes a false statement therein shall be fined not more than $500 or imprisoned more than six months or both.

Section 16. KRS 249.180, 249.190, 249.400, 249.420, 249.430 and subsection (4) of KRS 249.990 are repealed.

**HB 258**, AN ACT relating to mines and minerals.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 351.010 of the Kentucky Revised Statutes is amended to read as follows:

(1). As used in this chapter, unless the context requires otherwise:

(a) "Approved" means a device, apparatus, equipment, machinery or practice approved by the Commissioner of the Department of Mines and Minerals.

(b) "Commissioner" means Commissioner of the Department of Mines and Minerals.

(c) "Commercial mine" means any coal mine from which coal is mined for sale, commercial use or exchange. This term shall in no instance be construed to include a farm mine where coal is produced for own use.

(d) "Department" means the Department of Mines and Minerals.

(e) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress and other purposes in connection with the mining of coal.

*(f) "Gassy mine" means one which, on or after the effective date of this Act, is, or which immediately prior to the effective date of this Act, was defined, classed, classified as, or determined, deemed, judged held, or found to be, a gassy mine pursuant to and in accordance with the laws of this statute, or shall have been found to be gassy by a Federal coal mine inspector.*

[(f) "Gaseous mine" means a mine in which the percentage of explosive gas exceeds one-fourth of one percent at the return of any one split.]

[(g) "Gassy mine" means a mine in which methane has been detected by a flame safety lamp or one in which there is a record of methane having been ignited.]

*(g)* [(h)] "Mine" means any open pit or any underground workings from which coal is produced for sale, exchange or commercial use, and all shafts, slopes, drifts or inclines leading thereto, and includes all buildings and equipment, above or below the surface of the ground, used in connection with such workings. Workings that are adjacent to each other and under the same management and which are administered as distinct units shall be considered a separate mine.

*(h)* [(i)] "Mine foreman" means the person whom the operator or superintendent places in charge of the workings of the mine and of persons employed therein.

[(j) "Nongaseous mine" means any mine not classified as a gassy or a gaseous mine.]

*(i) "Nongassy mine" means any mine not classified as gassy by either the State of Federal agencies.*

*(j)* [(k)] "Open-pit mine" shall include open excavations, prospect openings, and open-cut workings for the extraction of coal.

*(k)* [(l)] "Operator" means an individual, firm or corporation operating a coal mine or any part thereof.

*(l)* [(m)] "Pure intake air" means air that has not passed through the last working place of the split or by the unsealed entrances to abandoned workings and by analysis contains not less than twenty percent oxygen nor more than one-half of one percent of carbon dioxide, or any dangerous quantities of flammable gas nor any harmful amounts of poisonous gas or dust.

*(m)* [(n)] "Return air" means air that has passed through the last active working place on each split, or air that has passed through abandoned, inaccessible or pillared workings.

*(n)* [(o)] "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation or drainage, or for hoisting men, coal or materials.

*(o)* [(p)] "Slope" means an inclined opening used for the same purpose as a shaft.

*(p)* [(q)] "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 2. Section 351.070 is amended to read as follows:

(1) The commissioner shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the inspectors, so as to equalize as nearly as practicable the work of each inspector, and may assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of additional mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety and first aid and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employes concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event of mine fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

[(11) The commissioner may prescribe reasonable safety standards governing the use of explosives, electrical and mechanical equipment in the operation of open-pit or surface mines.

(12) The commissioner shall have the power and authority to adopt, amend or rescind such rules, regulations, and standards as he deems necessary and suitable for the proper administration of the department. Rules, regulations, and standards may be adopted, amended, or rescinded by the chief only after public hearing or an opportunity to be heard thereon of which notice by publication pursuant to KRS Chapter 424, has been given. Such rules, regulations, and standards so adopted shall carry the full force and effect of law. This provision shall not be applicable to rules, regulations, and standards in effect on March 5, 1952.]

Committee Amendment No. 1 to **HB 258** is as follows:

Amend printed copy of House Bill 258 on page 2, line 14, by:

striking out the word "statute" and inserting in lieu thereof the word "state"

and on page 3, line 8, by striking out the word "of" and inserting in lieu thereof, the word "or"

and on page 4, line 11, by inserting between the words "the"

and "inspectors" the following: "state into as many inspection districts as there are district mine"

Committee Amendment No. 2 to **HB 258** is as follows:

Amend printed copy of House Bill 258 on page 2, line 15, by:

substituting for the words "by a Federal coal mine inspector." the following words: "under the provisions of the Federal Coal Mine Safety Act."

**HB 388,** AN ACT relating to the control of wild animals that carry diseases transmissable to man and domestic animals, and declaring an emergency.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Notwithstanding the provisions of KRS 150.370, 436.593, or any other statute that may be in conflict herewith, any county or city-county Board of Health may, whenever an epidemic or potential epidemic of a disease transmissable to man and domestic animals exists or is threatened in any species of wildlife, declare all or any portion of said county to be an epidemic area. Following such declaration the local Board of Health may, with approval of the State Department of Health, conduct control programs, including population reduction programs, against any species of wildlife including, but not limited to, red and gray foxes, skunks and rodents which may be serving as reservoirs and/or vectors of any disease transmissable to human beings and/or domestic animals including but not limited to rabies, leptospirosis, salmonellosis and Rocky Mountain spotted fever. Such control programs may include but shall not be limited to hunting, trapping, vaccination and use of poisons. Technical and operational assistance for such programs shall be made available by the State Department of Health, the State Department of Fish and Wildlife Resources, and the State Department of Agriculture. A control program established under authority of this Act may be conducted by the individual or joint action of the referred to State agencies, the local health department or individual property owners designated as agents of said Departments.

Section 2. No liability shall be imposed upon any State agency or local health department or any employee or agent thereof for any injury occurring to domesticated animals, individuals or property in carrying out programs in good faith authorized by this Act.

Section 3. Whereas wildlife rabies is currently epidemic in many Kentucky counties and epidemics of rodent or other wild animal-borne diseases may occur at any time, an emergency is declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

**HB 342**, AN ACT relating to parks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of Chapter 148 of the Kentucky Revised Statutes is created to read as follows:

In enacting a parks establishment aid law, it is the intention of the General Assembly to supplement local efforts to establish park and recreational facilities. The inadequacy of present facilities and the high cost of acquisition and establishment of park recreational facilities are hereby declared to be matters of public interest and concern and vital to the promotion of the health, welfare and prosperity of the inhabitants of the Commonwealth.

Section 2. A new section of Chapter 148 of the Kentucky Revised Statutes is created to read as follows:

The Department of Parks may, when the commissioner determines that a proposed project would serve the public interest, use its funds to aid local governmental units in their acquisition and establishment of local parks and recreational facilities. Provided, that local governmental units must provide matching funds for the project and the Department of Parks may grant an amount up to $25,000 for any one project, which amount shall not exceed 50% of the cost of the entire project. For the purposes of this Act, local governmental units shall mean county governments and governments of cities of any class. Title to

parks and recreational facilities acquired by the use of funds authorized by this Act shall vest in the local governmental unit which proposed the project and provided the matching funds.

Section 3. A new section of Chapter 148 of the Kentucky Revised Statutes is created to read as follows:

The commissioner may prescribe standards for determining the amounts to be granted for local projects and such regulations as may be necessary to implement the provisions of this Act. Funds granted by the Department shall be spent by the local governing authorities only for the acquisition and establishment of parks and recreational facilities and shall not be used for operating or maintenance expenses.

The Committee on State Government reported **HB 330, HB 333, HB 294, HB 398,** and **HB 315** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 330,** AN ACT relating to the Interstate Probation and Parole Compact.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

All persons accepted for supervision under the terms of the Interstate Compact as set forth in KRS 439.560 shall be subject to arrest or detention by a probation or parole officer under the same circumstances as Kentucky probationers or parolees. The probation or parole officer shall immediately notify the sending state through the Interstate Compact of the arrest or detention of the person in question, setting forth the reasons for the arrest or detention.

**HB 333,** AN ACT relating to the Industrial Development Finance Authority.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of Chapter 154 of the Kentucky Revised Statutes is created to read as follows:

(1) *In order to expedite the routine business of the Authority the chairman may appoint a three member executive committee which may include the chairman. Such a committee if appointed, shall have the authority to approve or authorize the approval of substitution of collaterals, releases in the case of sales, deferment of principal payments for a period of not longer than six months, immediate course of action to be followed in the case of a delinquent loan, subordination of a prior lien of the Authority for an improvement to premises in which the lien exists not to exceed the cost of the improvement and such other authority to authorize or approve minor changes in loan conditions which do not substantially alter the conditions of the loans as approved by the Authority and which are not inconsistent with the policies as established by the Authority.*

**HB 294,** AN ACT relating to blind persons.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 163.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Rehabilitation Agency in the Department of Education, with the approval of the Superintendent of Public Instruction and the State Board of Education shall establish and maintain a business enterprise program for the blind. In connection therewith the agency shall be authorized to own, lease, manage, supervise and operate vending stands and other business enterprises for the use or benefit of blind persons in federal, state, private and other buildings.

(2) The share of expenses of this program to be charged to each enterprise shall not exceed three percent of the gross receipts of such enterprise above the amount of one hundred and twenty-five dollars gross sales per week, the first one hundred and twenty-five dollars per week being exempt from any such fee.

(3) One or more stand placement agents shall be employed to locate and establish additional vending stands,

*(4) All elements of government occupying state owned, leased, or rented buildings or grounds, such as state office buildings, highway buildings or grounds, state parks, colleges, universities or their extensions, shall make available to the Kentucky Business Enterprises Program in the Division of Services for the Blind adequate and suitable space for the installation of vending stands and vending machines associated therewith for the employment of trained blind persons who are citizens of the Commonwealth. It is the intent of this Act to give complete priority to blind persons for priority consideration on all state properties. Profits from such vending shall accrue to the blind citizens operating the installations and no part shall be paid as commissions or rents except for that expressly provided for in this Act.*

*(5) The Kentucky Business Enterprises for the Blind is hereby exempt from regulations pertaining to bidding for vending privileges, sharing of profits and other laws or regulations which may be applicable to commercial vendors or other vending on state property. Each department of government shall issue regulations as may be required to assure compliance with the provisions of this act. The Division of Services for the Blind shall be responsible for making the final determination as to the adequacy and suitability of space made available for vending stand and vending machine installation for the blind.*

*(6) This Act shall not be construed or interpreted so as to exclude other vendors whether state operated or commercially supervised from vending on state property.*

[(4) The State Rehabilitation Agency in the Department of Education shall make such surveys as may be deemed necessary to determine the vending stand opportunities for blind persons in state buildings or on other property owned, leased or otherwise occupied by the state government and may install vending stands in suitable locations on such property for the use of the blind.

(5) All of the net income from vending machines which are on the same property as a vending stand shall be paid to the blind operator of the vending stand.

(6) Whenever there exists a conflict of interests between state agencies seeking to vend merchandise on the same state property, the agencies shall negotiate a fair agreement which will protect the interest of both from unreasonable competition. Such agreements shall be submitted to the custodial authority having jurisdiction over the property for approval. Provided, however, that in all situations the operator shall be permitted to vend all items of merchandise customarily sold at similar vending stands].

**HB 398,** AN ACT relating to planning and zoning.

WHEREAS, the 1966 General Assembly of the Commonwealth of Kentucky enacted House Bill No. 390, AN ACT relating to planning and zoning, a purpose of which was to encourage intergovernmental cooperation between cities and counties by encouraging them to form joint and regional planning units, and

WHEREAS, it was the intention of the General Assembly in so enacting House Bill No. 390 to make recommendations of planning commissions more responsible to the will of the people through their elective representatives by providing for the overruling of recommendations of the various planning commissions by a simple majority of the appropriate legislative body or fiscal court having jurisdiction, and

WHEREAS, Section 34 of said House Bill No. 390 (being KRS 100.213) has been improperly construed so as to indirectly limit the power of the legislative bodies or fiscal courts to overrule recommendations by planning commissions of disapproval of map amendments, thus encroaching upon and limiting the legislative powers vested by said House Bill No. 390 in the various legislative bodies and fiscal courts, all of which is deemed detrimental to the welfare of the people and contrary to the expressed intention of the General Assembly in its enactment of said House Bill No. 390.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 100.213 is amended to read:

Before any map amendment is granted, the planning com-

mission *or* [and] the legislative body or fiscal court must find that the map amendment is in agreement with the community's comprehensive plan, or, in the absence of such a finding, that one or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission [and] *or* the legislative body or fiscal court.

(1) That the original zoning classification given to the property was inappropriate or improper.

(2) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

**HB 315,** AN ACT relating to the control of air pollution.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The interstate compact on air pollution is enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON AIR POLLUTION

Article I

The party states to this compact hereby provide for the control of the interstate movement of air pollutants through the establishment of an interstate agency with powers to prevent, abate, and control interstate air pollution.

Each of the party states pledges to the other faithful cooperation in the control of air pollution which originates in one state and is injurious to human health or welfare, animal or plant life, or property, or which interferes with the enjoyment of life or property, in the other state.

The party states recognize that no single standard for outdoor atmosphere is applicable to all areas within the two party states due to such variables as population densities, topographic and climatic characteristics, and existing or projected land use and economic development. The guiding principle of this com-

pact is that air pollution originating within a party state shall not be injurious to human health or welfare, animal or plant life, or property, or interfere with the enjoyment of life or property in the other party state.

Article II

As used in this compact "air pollution" means the discharge into the air by the act of man of substances (liquid, solid, gaseous, organic or inorganic) in a locality, manner and amount as to be injurious to human health or welfare, animal or plant life, or property, or which would interfere with the enjoyment of life or property.

Article III

The party states hereby create the interstate air pollution control commission, hereafter called "the commission."

The commission shall consist of five commissioners from each party state, each of whom shall be a citizen of the state he represents. The commissioners from each party state shall be chosen by the governor of such state in accordance with the laws of such state, as follows:

Two of the members from each state shall be chosen from appropriate state agencies, one of whom is the officer responsible for air pollution control, and one of whom is the director of state health department. Three other members shall be chosen, one of whom is experienced in the field of municipal government, one of whom is experienced in the field of industrial activities, and one of whom represents the public.

Except for the commissioners who shall be appointed by virtue of the offices which they hold and who may be commissioners during their continuance in office, the term of each commissioner shall be four years. However, the commissioner experienced in the field of municipal government, the commissioner experienced in the field of industrial activities, and the commissioner appointed to represent the public shall be appointed, one for an initial term of one year, one for an initial term of two years, and one for an initial term of three years. As the

term of each such initial appointee expires, the successor to fill the vacancy created by such expired term shall be appointed for a term of four years.

Vacancies on the commission shall be filled for the unexpired term in the same manner as appointments to full terms.

Each commissioner of each party state shall be entitled to one vote in the commission. No action of the commission shall be binding unless taken at a meeting in which a majority of the commissioners from each party state are present and unless a majority of those present at the meeting from each party state concur, but any action not binding for such a reason may be ratified within thirty days by the concurrence of a majority of the commissioners of each party state. In the absence of any commissioner, his vote may be cast by another commissioner of his state if such commissioner casting the vote shall have a written proxy in such form as may be required by the commission. Any tie or stalemate resulting from the above voting shall be decided by a majority vote of the commissioners from each separate state voting as a unit and the vote of a representative selected by the secretary of the United States Department of health, education, and welfare, who shall cast the deciding vote.

The commission may sue and be sued, and shall have a seal.

The commission shall elect annually, from among its members, a chairman and vice-chairman. The commission shall appoint an executive director who shall act as secretary, and who, together with such other commission personnel as the commission may determine, shall be bonded in such amount or amounts as the commission may require.

Notwithstanding the civil service, personnel, or other merit systems laws of any of the party states, the commission shall appoint, remove or discharge, and fix the compensation of personnel necessary for the performance of the commission's functions. To the extent practicable, terms and conditions of employment for members of the staff of the commission shall be similar to those pertaining to comparable employees of the individual party states.

The commission may establish and maintain, independently

or in conjunction with one or more of the party states, a suitable retirement system for its employees. Employees of the commission shall be eligible for social security coverage in respect to old-age and survivors insurance, if the commission takes the steps necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in additional programs of employee benefits appropriate to afford employees of the commission terms and conditions of employment similar to those enjoyed by employees of the party states generally.

The commission may accept, or contract for the services of personnel and other services or materials from any state, the United States or any subdivision or agency of either, from any interstate agency, or from any institution, person, firm, or corporation.

The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services conditional or otherwise, from the United States, or any agency thereof, from any state or any subdivision or agency thereof, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The identity of any donor, the amount and character of any assistance, and the conditions, if any, attached thereto shall be set forth in the annual report of the commission.

The commission may establish and maintain the facilities necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

The commission may formulate and adopt rules and regulations and perform any act which it finds necessary to carry out the provisions of this compact, and may amend such rules and regulations. All such rules and regulations shall be filed in the office of the commission for public inspection and copies of such rules and regulations shall be filed in the office in each party state in which rules and regulations of state agencies are filed and shall thereafter be made available to interested persons upon request.

The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year, and embodying recommendations adopted by the commission. The commission may issue such additional reports as it may deem desirable. These reports shall be available for public examination.

The commission shall have the authority to collect and disseminate information relating to its functions under, and the purpose of, this compact.

Article IV

The commission, may, whenever it finds air pollution which originates in one of the party states and has an adverse effect in the other party state, make a report recommending measures for the prevention, abatement, or control of the air pollution. Copies of the report shall be furnished to all existing state and local air pollution control agencies with jurisdiction over the sources of air pollution identified in the report. In preparing any report, the commission may confer with any appropriate national, regional, or local planning body, and any governmental agency authorized to deal with matters relating to air pollution problems and may conduct such hearings and investigations as it may deem appropriate. The commission may consult with and advise the states and local governments, corporations, persons, or other entities with regard to the adoption of programs and the installation of equipment and works for the prevention, abatement, or control of air pollution. For the enforcement of this compact the commission may also establish standards consistent with the provisions of this compact and any standards which may be adopted by the party states.

Before any report of the commission which specifically identifies a particular industrial or other installation, structure, or facility as a source of air pollution becomes final, the commission shall give the owner or operator of the installation, structure, or facility notice by certified mail of the anticipated adoption of such report and shall afford the owner or operator of the installation, structure, or facility not less than ten days after the mailing of such notice to file with the commission its written objections

thereto. If no such objections are filed with the commission within such specified period, the report shall become final. If the objections are filed with the commission within the specified period, the commission shall afford the owner or operator not less than ten days from its receipt of objections to discuss with the commission the findings, conclusions, and recommendations of the report before it is finally adopted by the commission.

Within a reasonable time after the commission furnishes a report to the appropriate existing state and local air pollution control agencies pursuant to this Article and, if the recommendations made in such report for the prevention, abatement, or control of air pollution from a specific source or sources have not been implemented, or if the appropriate state or local air pollution control agencies have not taken sufficient action to prevent, abate, or control the air pollution, the commission may, after a duly conducted and constituted hearing, on due notice, issue an order upon any municipality, corporation, person, or other entity causing or contributing to interstate air pollution. At any such hearing evidence may be received and a finding made on whether, in fact, interstate air pollution exists and on the sources of such pollution. Any order may prescribe a timetable for the abatement of control of the air pollution involved. Any such order shall become final and binding unless a petition for review of the same shall be filed and prosecuted pursuant to the provisions of Article V of this compact.

In a party state, any court of general jurisdiction in any county in which the air pollution originates or any United States district court for the district in which the pollution originates shall entertain and determine any action or proceeding brought by the commission to enforce an order against any municipality, corporation, person, or other entity domiciled or located within such state and whose discharge of air pollution takes place within or adjoining such state, or against any employee, department, or subdivision of such municipality, corporation, person or other entity, and shall entertain and determine any petition for review pursuant to the provisions of Article V of this compact.

Article V

All hearings held by the commission shall be open to the public. At any hearing held pursuant to Article IV of this compact the party states, any agencies thereof, and any affected person, corporation, municipality, or other entity shall be entitled to appear in person or by representative, with or without counsel, and may make oral or written argument, offer testimony, or take any combination of such actions. All testimony taken before the commission shall be under oath and recorded in a written transcript. The transcript so recorded shall be made available to any member of the public or to any participant in such hearing upon payment of reasonable charges as fixed by the commission. No information relating to secret processes or methods of manufacture or production shall be disclosed at any public hearing or otherwise, and all such information shall be kept confidential.

All hearings shall be had before one or more members of the commission, or before an officer or employee of the commission expressly designated to act as a hearing officer.

Any party state or person aggrieved by any order made by the commission shall be entitled to a judicial review thereof. Such review may be had by filing a verified petition in any of the appropriate courts referred to in Article IV, setting out such order and alleging specifically that said order is:

(a) Arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; or

(b) Contrary to constitutional right, power, privilege, or immunity; or

(c) In excess of authority or jurisdiction conferred by this compact or statutes in implementation hereof; or

(d) Without observance of procedure required by law; or

(e) Not within the purposes of this compact; or

(f) Unsupported by the weight of the evidence.

The petition for review shall be filed within thirty-five days after receipt of written notice that the order has been issued. Written notice of the filing of a petition for review and a copy of

said petition shall be personally served upon the commission. Any party or person filing a petition for review shall, within fifteen days thereafter, secure from the commission a certified copy of the transcript of any hearing held in connection with the issuance of the order, review of which is sought, and shall file the same with the clerk of the court in which the action or proceeding for review is pending. An extension of time in which to file a transcript shall be granted by said court in which such action or proceeding for review is pending for good cause shown. Inability to obtain a transcript within the specified time shall be good cause. Failure to file a transcript within the period of fifteen days, or to secure an extension of time therefor, shall be cause for the dismissal of the petition for review by the court or on petition of any party of record to the original action or proceeding. Where more than one person may be aggrieved by the order, only one proceeding for review may be had and the court in which a petition for review is first properly filed shall have jurisdiction.

The court may, for good cause shown, admit and consider additional evidence bearing upon the issue or issues before it.

No review of a commission order shall be had except in accordance with the provisions of this compact.

Article VI

The commission may establish one or more advisory and technical committees composed of such as the following: private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, and officials of local, state, and federal government, as it may determine, and may cooperate with and use the services of any such committee and the organizations which they represent in furthering any of its activities under this compact.

Article VII

Nothing in this compact shall be construed to:

(a) Limit or otherwise affect the powers of either party state or any of their subdivisions to enact and enforce laws or ordinances for the prevention, abatement, or control of air pollution within their respective borders.

(b) Prevent or restrict either party state or any subdivision thereof in requiring or prescribing measures of air pollution prevention, abatement, or control in addition to those which may be required by either party state or the commission acting pursuant to this compact.

Article VIII

The commission shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

Each of the commission's budgets of estimated expenditures shall contain specific recommendation of the amount or amounts to be appropriated by each of the party states. Aside from such support as may be available to the commission pursuant to Article III, the cost of operating and maintaining the commission shall be borne equally by the party states.

The commission may meet any of its obligations in whole or in part with funds available to it under Article III of this Compart, provided that the commission takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the commission makes use of funds available to it under Article III, the commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

The expenses and any other costs for each member of the commission shall be met by the commission in accordance with such standards and procedures as it may establish in its rules and regulations.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its rules and regulations. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and becomes a part of the annual report of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

Article IX

(1) This compact shall become effective when enacted into law by any state in addition to the Commonwealth of Kentucky. Thereafter, this compact shall become effective as to any other state upon its enactment thereby.

(2) Any party state may withdraw from this compact by enacting a statute repealing same, but no withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governor of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of the withdrawal.

(3) Any order of the commission issued prior to the termination of this compact shall be enforceable thereafter by either party state in the same manner as though this compact were still in force except that any appropriate office or agency of the enforcing party state may act in the place and stead of the commission.

Article X

The provisions of this compact shall be reasonably and liberally construed. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision is declared to be contrary to the constitution of either state or of the United States, or the applicability thereof to any government agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstances shall not be affected.

Section 2. Pursuant to Article III of the compact set forth in Section 1 of this Act, the Governor shall appoint three commissioners in addition to the Commissioner of Health and the officer in charge of air pollution control, as members of the interstate air pollution control commission. These five commissioners, acting jointly with like officers from the other party state, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The commissioners shall cooperate with all departments, agencies, and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact and all such departments, agencies, and officers shall cooperate with the commissioners.

Section 3. Any payments necessary to discharge any financial obligations imposed upon the state of Kentucky by the compact, as provided in Section 1 of this Act, shall be made from the general fund appropriations to the interstate air pollution control commission upon presentation to the Department of Finance of itemized vouchers signed by the executive director of the commission.

The Committee on State Government reported **HR 41, HR 42, HB 24** and **HB 32** without expression of opinion.

The Committee on Public Utilities and Transportation reported **HB 360** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 360,** AN ACT relating to aviation, and declaring an emergency.

WHEREAS, it is necessary for the economic development of the Commonwealth to serve the public welfare that local governmental units of the Commonwealth be able to develop and improve in the public interest the benefits of aviation; and

WHEREAS, this includes securing the benefits and services of regional and other aviation facilities located or to be located in other states which border on this state;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 183.134 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* In order to provide money for the purchase of property necessary, for the establishment or expansion of airports and to construct, equip and maintain buildings necessary, desirable or appropriate for airport purposes, *or to acquire rights or interests therein or contract for services therefrom,* the legislative body of any governmental unit owning in whole or part any airport or operating an airport, *or having any rights or interests therein or contracts for services therefrom,* may make an annual appropriation from its general fund; or such governmental unit may make an annual levy to collect a tax on taxable property situated in the governmental unit for such airport development. Any appropriation shall be made by the legislative body in such amounts, in such proportion and upon such terms as the legislative body may determine. All funds derived from such appropriation or tax shall be turned over to the airport board, if any, for the purpose of carrying out the duties and powers of the board.

*(2) Whenever a governmental unit deems it necessary to acquire, construct, maintain, expand, finance, or improve any airport facilities or air navigation facilities or rights or interests theerin, or to contract for services therefrom, or for any or all of these purposes, and the annual funds raised from other sources are not sufficient to accomplish the purpose, the governmental unit shall make a careful estimate of the amount of money required for the purpose and shall certify to the proper tax levying authority the fact that an election for an issue of bonds for such aviation purposes shall be held together with the amount of money for which bonds shall be issued and the purpose to which the proceeds shall be applied. The taxing authority shall then adopt an ordinance or resolution submitting to the qualified voters of the district the question as to whether bonds shall be issued for the purpose. The question shall be so framed that the voter may by his vote answer "For" or "Against".*

*(3) The ordinance or resolution shall fix the time the*

*bonds shall run and, if a serial issue, the amount to mature at each time. It shall limit the rate of interest to be permitted on the bonds, which shall not exceed seven percent, and the total amount of bonds to be issued, and shall provide for the levy of a tax to pay the interest and to create a sinking fund to retire them at their maturity.*

*(4) The election shall be held at a time fixed in the ordinance or resolution, not less than fifteen nor more than thirty days from the time the certificate of the governmental unit is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the governmental unit district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.*

*(5) Notwithstanding the limitations contained in KRS 132.023, any governmental unit which after the date of this Act levies a tax for aviation purposes under KRS Chapter 183 may exclude such tax from consideration in calculating the compensating tax rate as now or subsequently defined in KRS 132.011 or any amendments thereto or other Act substituted therefor.*

Section 2. Section 183.135 of the Kentucky Revised Statutes is amended to read as follows:

The board may borrow money on its own credit in anticipation of revenue to be derived from taxes, appropriations or other income. For such purposes, the board may pledge the taxes, appropriations or income anticipated. The board may pledge the airport and facilities, *or any interest therein or contract for service therefrom,* as security for moneys borrowed.

Section 3. Section 183.136 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board is authorized to defray the cost of acquiring, constructing, maintaining, expanding, financing or improv-

ing any airport facilities or air navigation facilities *or any part thereof or interest therein, or contract for services therefrom,* through the issuance of revenue bonds in the manner provided in KRS 183.630 through 183.740, *or through the purchase of securities, stocks, or bonds of any other governmental unit or body politics.*

(2) The board may, as an alternative method and in addition to all other methods provided by law, acquire, construct, maintain, expand finance or improve airports, airport facilities or air navigation facilities *or any part thereof or interest therein, or contract for services therefrom,* and issue revenue bonds in connection therewith under the terms and provisions of KRS Chapter 58 and under said law the term "governmental agency" means the board and any airport board or airport created pursuant to the provisions of KRS Chapter 183 as it existed prior to the enactment of Chapter 179, Acts of the General Assembly, regular session 1960, shall be deemed to have been established pursuant to this chapter with all of the powers, functions and duties as herein prescribed, and the term "public project" means airports and airport facilities and air navigation facilities.

Section 4. Section 183.475 of the Kentucky Revised Statutes is amended to read as follows:

All counties in this state located on the boundary line between this state and any other state, or which are contiguous to such counties, as well as all governmental units which are located in such boundary counties, or contiguous counties, are hereby authorized, separately, jointly with each other or jointly with any other municipality or political subdivision of any such boundary state to acquire, equip, construct, expand, lease, improve, police and operate airports within this state or either within or without the geographical limits of any county, municipality or political subdivision of any such boundary state; *and for those purposes to exercise any other powers or functions and be subject to any provisions provided by Chapter 183 as to Aviation, without regard to any express or implied limitations thereof to or within this State, including but not limited to those provided by KRS 183.010 through 183.012, "Definitions," KRS 183.132 through 183.138, "Local Airboards," KRS 183.475 through*

*183.476, "Acquisition of Airport Facilities," KRS 183.630 through 183.740, "Bonds," KRS 183.762 through 183.772, "Airport Development," and any amendments or supplements thereto which may be provided therein subsequent to this amendment.*

Section 5. Section 183.630 of the Kentucky Revised Statutes is amended to read as follows:

For the purpose of defraying the cost of acquiring, constructing, maintaining, expanding, financing or improving any airport facilities or air navigation facilities, *or any part thereof or interest therein, or contract for services therefrom* the department may, with the approval of the Governor, borrow money and issue negotiable bonds. A governmental unit may borrow money and issue negotiable bonds, for the same purposes, but only after an ordinance or resolution has been adopted by the legislative body specifying the proposed undertaking, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear. The ordinance or resolution shall further provide that the revenue bonds are to be issued pursuant to the provisions of KRS 183.630 to 183.740.

Section 6. Section 183.740 of the Kentucky Revised Statutes is amended to read as follows:

KRS 183.630 to 183.730 shall constitute a method for the acquisition, construction, maintenance, expansion, financing or improvement of air navigation facilities or airport facilities *or any part thereof or interest therein, or contract for services therefrom,* by governmental units or the Commonwealth in addition or as an alternate, to any other method authorized by statute. It is intended to authorize the acquisition, construction, maintenance, expansion, financing, or improvement of additional facilities for an airport acquired under authority of KRS 183.133 *or interest therein, or contract for services therefrom,* as well as the original acquisition, construction, maintenance, expansion, financing, or improvement of land and other facilities for an airport. Governmental units shall have all authority conferred by KRS 183.133 for the acquisition, construction, maintenance, expansion, financing or improvement of air navigation facilities or airport facilities, *or any part thereof or interest therein, or con-*

*tract for services therefrom.* Except as otherwise povided in KRS 183.630 to 183.730, the provisions of KRS 183.133 to 183.138 shall apply to the operation of airport facilities acquired under KRS 183.630 to 183.730.

Section 7. If any section, subsection, clause, sentence or phrase of this Act which is reasonably separable from the remaining portions of this Act is for any reason held to be unconstitutional, such decisions shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed the remaining portion of this Act irrespective of the fact that any such section, subsection, clause, sentence or phrase of this Act be declared unconstitutional.

Section 8. Whereas, in order to make provision for the proper administration of the Chapter it is imperative that this Act take effect at the earliest possible date, an emergency is declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

The Committee on Public Utilities and Transportation reported **HB 139** and **HB 367** with the expression of opinion that the same should not pass.

The Committee on Business Organizations and Professions reported **HB 339** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 339,** AN ACT relating to the Uniform Commercial Code.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 335.9-402 of the Kentucky Revised Statutes is amended to read as follows:

355.9-402 (1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describ-

ing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties. The chattel mortgage or other instrument referred to in KRS Ch. 186 shall be deemed to mean financing staements and shall be filed in accordance with the provision of KRS Ch. 355. If at the time the financing statement required by this section is filed there is an indebtedness of two hundred dollars or more, that fact shall be stated.

(2) If the property intended as collateral *is consumer goods as defined in KRS 355.9-109(1) in the possession of the consumer debtor at the time the financing statement required by KRS 355.9-402 is filed, and if the property* is a motor vehicle, the make, year model and motor number or identification number shall be given.

(3) A financing statement which otherwise complies with subsection (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in:

(a) collateral already subject to a security interest in another jurisdiction when it is brought into this state. Such a financing statement must state that the collateral was brought into this state under such circumstances;

(b) proceeds under KRS 355.9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(4) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignee)_____

Address _____

Name of secured party (or assignee)_____

Address _____

1. This financing statement covers the following types (or items) of property:
(Describe) _____

2. (If collateral is crops) The above described crops are growing or are to be grown on:
(Describe Real Estate)_____

3. (If collateral is goods which are or to become fixtures) The above described goods are affixed or to be affixed to:
(Describe Real Estate)_____

4. (If proceeds or products of collateral are claimed) Proceeds-Products of the collateral are also covered.

Signature of Debtor (or Assignor) _____

Signature of Secured Party (or Assignee) _____

(5) The term "financing statement" as used in this article means the original financing statement and any amendments but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(6) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

The Committee on Business Organizations and Professions reported **HB 279** with the expression of opinion that the same should not pass.

The Committee on Highways and Traffic Safety reported **HR 50, HB 188** and **HB 267** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 50,** A CONCURRENT RESOLUTION requesting and petitioning the Kentucky Department of Highways to make U.S. Highway 23 a four-lane highway from Portsmouth, Ohio to the Kentucky-Virginia line.

WHEREAS, U.S. Highway 23 is a four-lane highway from Mackinaw Straits in Northern Michigan to Portsmouth, Ohio; and

WHEREAS, the portion of U.S. Highway 23 which extends through Virginia is presently being constructed into a four-lane highway; and

WHEREAS, the portion of U.S. Highway 23 in Kentucky, which extends from a point opposite Portsmouth, Ohio to a point near Jenkins, Kentucky, is a two-lane highway, thus creating a traffic "bottle-neck" between two stretches of four-lane construction; and

WHEREAS, Federal funds for reconstruction of U.S. Highway 23 are available under the Appalachia program at a ratio of 70 to 30;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Kentucky Department of Highways be and it is hereby requested immediately to reconstruct that portion of U.S. Highway 23 which lies within the boundaries of the Commonwealth into a four-lane highway.

**HB 188,** AN ACT relating to licensing of motor vehicles.

WHEREAS, many of Kentucky's veterans suffered serious injuries in the line of duty while serving their country as members of the armed forces; and

WHEREAS, as a result of these injuries many such veterans are totally or partially disabled; and

WHEREAS, the disabilities have caused these men to endure great hardships and difficulties in performing activities which able men consider ordinary; and

WHEREAS, these men in performing these activities are deserving of special recognition and treatment in exchange for what they suffered and fought to preserve;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. All veterans with a service connected disability shall be issued an identification tag along with a registration receipt and registration plate as described in KRS 186.040 upon presentation of an affidavit stating the applicant is a veteran with a service connected disability.

Section 2. The Department of Revenue shall prescribe by regulation the form for the tag and the manner in which it shall be attached to the motor vehicle. The tag shall be non transferable. The department shall not issue tags to any person other than one having the qualifications set out in Section 1 of this Act. The department shall not charge any fee, other than the regular fee for annual registration for the issuance of the identification tag.

Section 3. Motor vehicles displaying an identification tag issued under Section 1 of this Act and being operated by or for the benefits of the disabled veteran may be parked for a period of two hours in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations prohibit parking on a highway for the purpose of creating a fire lane or where the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard. Parking permission may extend to a longer period if the time is needed for good cause. Good cause shall include, but is not limited to, medical appointments, business purposes, and civic duties.

Section 4. Any person who is not a veteran with a service connected disability and who wilfully and falsely represents himself as having the qualifications to obtain such vehicle identification tags in an attempt to procure the identification tag prescribed by this Act shall be fined fifty dollars, and in default of payment, shall be imprisoned for not more than ten days.

**HB 267,** AN ACT providing for payment by Department of Highways for the removal and relocation of facilities owned by a

municipality or a municipally-owned utility, or a Water District established pursuant to Chapter 74 of the Kentucky Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Whenever the Kentucky State Department of Highways shall determine that it is necessary that any fireplugs, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances, belonging to any municipality or a municipally-owned utility, or any Water District established pursuant to Chapter 74 of Kentucky Revised Statutes, must be removed or relocated on, along, over or under a highway, in order to construct, reconstruct, relocate or improve any such highway, when such construction, reconstruction, relocation or improvement is wholly or partially financed by funds provided by the United States, the municipality or the municipally-owned utility or the Water District shall relocate or remove same in accordance with the order of the Department of Highways; and the costs and expenses of such relocation or removal, including the costs of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interest in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Department of Highways as a part of the cost of improving or constructing such highways.

The Committee on Highways and Traffic Safety reported **HB 64,** with Committee Amendment attached thereto, with the expression of opinion that the same should not pass.

The Committee on Highways and Traffic Safety reported **HB 40** without expression of opinion.

The Committee on Highways and Traffic Safety reported **HB 320** with the expression of opinion that the same should not pass.

## Calendar

**HB 304, HB 74, HB 307, HB 309, HB 311, HB 312, HB 329, HB 347, HB 343, HB 297, SB 136, HB 249, SB 131, SB 48, SB 123, HB 216, HB 201,** and **HB 324** taken from the Calendar and

ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Morgan moved that the House concur in **SR 49.**

**SR 49,** A CONCURRING RESOLUTION relating to adjournment of the General Assembly.

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

Section 1. That when the Senate does adjourn on Wednesday, February 21, 1968, it does so to convene again on Monday, February 26, 1968, at a time set by motion duly adopted in the Senate.

Agreed.

Representative R. Reynolds moved that the House amend **SR 49** to include the House of Representatives.

On the roll call the vote was yeas 35—Ballenger, Bleemel, Blythe, Bowles, Clapp, Clark, Cruse, Dawhare, Denham, Floyd, Halleck, Hampton, Henry, Hinkle, Huff, Irick, Justice, Keith, Kessinger, Lassiter, Maddox, Massey, McCallum, Melton, Clarence R. Miller, Peace, Russell Reynolds, Richey, Russell, Saylor, Simmons, Stuart, Wells, Wesley, White. Nays 51—Akers, Alexander, Allen, Baker, Ball, Bamberger, Blume, Brown, Carroll, Cox, Curlin, J. A. Davis, W. F. Davis, DeMarcus, Greer, Hardin, Harper, Hoe, Hoffman, Hunt, Isler, James, Johnson, Jones, Keene, King, Lankford, Lawson, Louden, May, McBrayer, Mershon, R. L. Miller, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Smith, Tobin, Webster, Wheeler, Wolchik, Wooley, Wright.

The motion that **SR 49** be amended was rejected.

**HR 63.** A RESOLUTION requesting the Department of Child Welfare to proceed to construct and operate a reception and diagnostic center in Daviess County or a nearby county.

WHEREAS, present facilities of the Department of Child Welfare are overcrowded and the Department is planning to build additional facilities for juveniles; and

WHEREAS, there exists a proven need for such a facility, based on the continuing juvenile delinquency increase, in western Kentucky and especially in the area surrounding and including Daviess County; and

WHEREAS, Daviess County has the medical, health, and educational manpower and facilities necessary to a reception and diagnostic center and its programs; and

WHEREAS, Daviess County has available vocational and library facilities, a Boys Club, Y. M. C. A., and a junior achievement program; and

WHEREAS, in the $176 million bond issue, which the voters of Kentucky approved, it was promised that a reception and diagnostic center would be constructed in Western Kentucky;

NOW, THEREFORE,

*Be it enacted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Governor, Commissioners of Finance and Child Welfare be requested to proceed as soon as possible to construct a state reception and diagnostic center in Daviess County or a nearby county and to place the operating authority and responsibility in the Department of Child Welfare so that the increasing problems of our juveniles can be given the highest quality professional attention available.

Representative Blandford moved the adoption of **HR 63.** Agreed.

The Speaker announced that bills reported today by the Committee on State Government with "no expression of opinion" is made for the purpose of clearing the docket of the Committee.

The subject matter in these bills has been previously considered by the House.

## Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1** with Committee Amendment attached thereto, **HB 112** and **HB 213** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 107** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was, yeas 82—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, Melton, Mershon, Clarence R. Miller, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell, Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

**HB 107** was passed and the title agreed to.

Representative Morgan moved that the House concur in the following Senate Amendment to **HB 8:**

Amend printed copy of House Bill 8 on page 1, lines 3 & 4, by:

striking all of line 3 beginning with the word "maintain" and by striking line 4 in its entirety and inserting in lieu thereof the following:

"as to a cemetery other than those mentioned in Section 2 of this Act maintain a cemetery in an oppropriate manner and may take title in the name of the Commonwealth to such ceme-

tery by a deed of conveyance, subject to the appropriate sections of KRS Chapters 45 and 56.

(2) As used herein, the term "civil war cemetery" means a cemetery, or separate part of a cemetery, in which twenty-five or more soldiers who fought in the war between the states are interred."

and on page 1, line 1, by placing "(1)" immediately before the word "upon"

Agreed.

Representative Morgan moved that **HB 8** as amended be placed upon its passage.

On the roll call the vote was yeas 76—Akers, Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, McBrayer, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wooley. Nays 0.

**HB 8** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 8** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 217** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 87—Akers, Alexander, Arnett, Ball, Ballenger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoff-

man, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 217** was passed and the title agreed to.

Representative Blythe moved that the vote by which **HB 217** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HB 243,** with Committee Amendment attached thereto, be taken from Orders of the Day and placed upon its passage.

Representative Greer moved that **HB 243,** with Committee Amendment attached thereto, be recommitted to the Committee on Business Organizations and Professions. Agreed.

**HB 2,** with Committee Amendment No. 1 attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved the adoption of Committee Amendment No. 1 to **HB 2.**

Representative Schmidt moved that Committee Amendment No. 1 to **HB 2** be laid on the table.

On the roll call the vote was yeas 29—Arnett, Ball, Ballenger, Bamberger, Cox, Walter F. Davis, DeMarcus, Denham, Floyd, Harper, Henry, Hinkle, Isler, King, Lassiter, Lawson, Maddox, Clarence R. Miller, Murphy, Russell Reynolds, Riddle, Saylor, Schmidt, Simmons, Webster, Wheeler, White, Wolchik, Wooley. Nays 48—Akers, Baker, Blandford, Bleemel, Blume, Bruce, Clapp, Clark, Cruse, Curlin, J. A. Davis, Dawhare, Greer, Hardin, Hoe,

Hoffman, Hopkins, Hunt, Irick, James, Johnson, Justice, Keene, Keith, Kessinger, Lankford, Massey, May, McBrayer, McCallum, McKinney, Mershon, R. L. Miller, Mitchell, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Sartin, Stuart, Tobin, Vanover, Walters, Wesley, Wright.

The motion that Committee Amendment No. 1 to **HB 2** be tabled was rejected.

Representative Harper moved that **HB 2,** with Committee Amendment No. 1 attached thereto, be recommitted to the Committee on Judiciary.

On the roll call the vote was yeas 27—Alexander, Allen, Arnett, Ball, Bamberger, Blandford, Walter F. Davis, Dawhare, DeMarcus, Denham, Harper, Isler, Jones, King, Lassiter, Lawson, Maddox, Clarence R. Miller, Morgan, Murphy, Russell Reynolds, Sartin, Saylor, Schmidt, Siemens, Wheeler, Wooley. Nays 56—Akers, Baker, Ballenger, Bleemel, Blume, Bowles, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, J. A. Davis, Floyd, Greer, Hardin, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, James, Johnson, Justice, Keene, Keith, Kessinger, Lankford, Louden, May, McBrayer, McCallum, McKinney, Mershon, R. L. Miller, Mitchell, Peace, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wright.

The motion that **HB 2,** with Committee Amendment No. 1 attached therto, be recommitted to the Committee on Judiciary was rejected.

Representative McBrayer moved the adoption of Committee Amendment No. 1 to **HB 2.** Rejected.

Representative McBrayer moved the adoption of the following Amendment No. 2 to **HB 2:**

Amend printed copy of House Bill 2 on page 1, line __, by:

adding a new section to read as follows:

"Section 2. No testimony other than on temporary motions shall be taken or heard before sixty (60) days have elapsed from the date of the filing of the divorce complaint."

On the roll call, the vote was yeas 70—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bleemel, Blume, Blythe, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Greer, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, James, Johnson, Justice, Keene, Keith, Kessinger, Lankford, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, Clarence R. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Siemens, Simmons, Stuart, Tobin, Vanoven, Walters, Webster, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 10—Blandford, W. F. Davis, Jones, King, Lassiter, Lawson, R. L. Miller, Ray, R. Reynolds, Smith.

Amendment No. 2 to **HB 2** was adopted.

On the roll call the vote was yeas 57—Akers, Allen, Arnett, Baker, Ballenger, Bleemel, Blume, Blythe, Bruce, Clapp, Cox, Cruse, Curlin, James A. Davis, Greer, Hardin, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, James, Johnson, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Louden, May, McBrayer, Clarence R. Miller, Robert L. Miller, Mitchell, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wright. Nays 24—Alexander, Ball, Bamberger, Blandford, Bowles, W. F. Davis, DeMarcus, Denham, Floyd, Harper, Isler, Jones, King, Lassiter, Lawson, Maddox, Morgan, Murphy, R. Reynolds, Saylor, Schmidt, Siemens, Wheeler, Wooley.

**HB 2** as amended was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HB 2** as amended was passed be reconsidered and said motion be laid on the table.

**HB 110**, by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Wesley moved the adoption of the Committee Substitute to **HB 110**. Agreed.

The Speaker vacated the Chair. Representative Stuart presiding.

Representative Arnett moved that **HB 110** as amended be laid on the table.

On the roll call the vote was yeas 9—Arnett, Clark, Irick, King, McKinney, Pettit, Schmidt, Webster, Wooley. Nays 68—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, W. F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hoe, Hoffman, Hopkins, Huff, Hunt, Isler, James, Johnson, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Massey, May, McBrayer, Mershon, R. L. Miller, Mitchell, Peace, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Wells, Wesley, White, Wright.

The motion that **HB 110** as amended be laid on the table was rejected.

The Speaker resumed the Chair.

Representative Hardin moved the adoption of the following Amendment to the Committee Substitute to **HB 110:**

Amend printed copy of Committee Substitute House Bill 110 on page 2, line 10, by,

deleting the words "twenty percent" and inserting in lieu thereof the words "fifteen percent by the year 1972"

Agreed.

The Speaker vacated the Chair. Representative DeMarcus presiding.

On the roll call the vote was yeas 81—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Cox, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, Mershon, Clarence R. Miller, Robert L.

Miller, Mitchell, Morgan, Murphy, Peace, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wright. Nays 5—Arnett, Clark, DeMarcus, Schmidt, Wooley.

**HB 110** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 110** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative DeMarcus asked that he be recorded as voting "aye" on **HB 110.** Agreed.

Representative Morgan moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

**Introduction of Bills and Resolutions**

**HB 454,** by Representative Blume: AN ACT relating to state printing.

**HB 455,** by Representative R. L. Miller: AN ACT relating to issuance of marriage licenses to minors.

**HB 456,** by Representative Denham: AN ACT relating to public health taxing districts.

**HB 457,** by Representatives Wheeler and Bleemel: AN ACT relating to motor vehicle sales and the regulation thereof.

**HB 458,** by Representatives Wheeler and Bleemel: AN ACT relating to motor vehicle sales and the regulation thereof.

**HB 459,** by Representative McBrayer: AN ACT relating to hearings by Personnel Board on disciplinary actions taken by appointing authorities and judicial review thereof.

**HB 460,** by Representative McBrayer: AN ACT relating to nudists.

**HB 461,** by Representative McBrayer: AN ACT relating to the Department of Law and the employment of attorneys,

**HB 462,** by Representative McBrayer: AN ACT relating to law enforcement and crime prevention, establishing the Kentucky Commission on Law Enforcement and Crime Prevention.

**HB 463,** by Representative Webster: AN ACT relating to the collection and expenditure of annual registration fees for motor vehicles.

**HB 464,** by Representatives Schmidt, Lawson, Kessinger, Bamberger, Wolchik, and Keith: AN ACT relating to assistant commonwealth's attorneys and district detectives.

## Orders of the Day (Cont.)

**HB 293,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of the following Amendment No. 2 to **HB 293:**

Amend printed copy of House Bill 293 on page 1, line 3, by: inserting the word "professional" between the words "all persons"

Agreed.

Representative Curlin moved the adoption of Committee Amendment No. 1 to **HB 293.** Agreed.

On the roll call the vote was yeas 67—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Halleck, Hampton, Hardin, Hinkle, Hoe, Hopkins, Hunt, Isler, James, Jones, Justice, Keene, Kessinger, King, Lankford, Lawson, Louden, Massey, May, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Schmidt, Siemens, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 293** as amended was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 293** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 326** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Brown, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lawson, Louden, Massey, May, McKinney, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Tobin, Vanover, Walters, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 0.

**HB 326** was passed and the title agreed to.

Representative Akers moved that the vote by which **HB 326** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 335** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 56—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Bleemel, Blume, Bowles, Brown, Clark, Cruse, Walter F. Davis, Dawhare, DeMarcus, Denham, Hampton, Hardin, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Isler, James, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, Massey, May, Mershon, Clarence R. Miller, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Ray, W. J. Reynolds, Sartin, Saylor, Schmidt, Siemens, Smith, Tobin, Vanover, Walters, White, Wolchik, Wooley. Nays 0.

**HB 335** was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 335** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 70,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Curlin moved the adoption of the Committee Substitute to **HB 70.** Agreed.

Representative Curlin moved the adoption of the following Amendment to the Committee Substitute to **HB 70:**

Amend printed copy of Committee Substitute House Bill 70 on page 2, line 25, by:

deleting the number *"50"* and inserting the number *"100"*

Agreed.

On the roll call the vote was yeas 40—Akers, Ballenger, Bleemel, Blume, Brown, Bruce, Carroll, Clark, Cox, Curlin, Walter F. Davis, Hoffman, Hopkins, Hunt, Isler, Johnson, Jones, Keene, Kidd, King, Lankford, Lawson, Louden, McBrayer, Melton, Mershon, Clarence R. Miller, Mitchell, Pettit, Prather, Ray, W. J. Reynolds, Richey, Rickert, Sartin, Tobin, Vanover, Walters, Webster, Wesley. Nays 26—Alexander, Arnett, Baker, Ball, Bamberger, Bowles, Coffey, Cruse, J. A. Davis, DeMarcus, Harper, Hinkle, Hoe, Irick, Justice, Keith, May, R. L. Miller, Murphy, Rattliff, Riddle, Russel, Schmidt, Smith, Wells, Wheeler.

**HB 70** as amended was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 70** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 170, HB 210** and **HB 134** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 128** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected

Representative Walters moved that **HB 128** be laid on the table.

On the roll call the vote was yeas 21—Ballenger, Bamberger, Blythe, Clark, Walter F. Davis, Denham, Hoe, Jones, Kessinger, Lawson, Louden, Melton, Robert L. Miller, Rattliff, Riddle, Russell, Schmidt, Smith, Walters, Wesley, Wooley. Nays 36—Akers, Alexander, Baker, Blandford, Bleemel, Blume, Bowles, Brown, Cruse, Dawhare, Greer, Harper, Hoffman, Hopkins, Hunt, Irick, Isler, Justice, Keene, Keith, Lankford, May, McBrayer, Mershon, C. R. Miller, Morgan, Ray, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Siemens, Tobin, Vanover, Webster.

The motion that **HB 128** be tabled was rejected.

On the roll call the vote was yeas 60—Akers, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clark, Coffey, Cox, Cruse, Curlin, Dawhare, Greer, Harper, Henry, Hinkle, Hoffman, Hopkins, Hunt, Irick, Isler, Johnson, Jones, Justice, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McBrayer, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Sartin, Saylor, Siemens, Smith, Tobin, Vanover, Webster, Wolchik, Wooley, Wright. Nays 8—Alexander, W. F. Davis, DeMarcus, Keith, Riddle, Russell, Walters, Wesley.

**HB 128** was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 128** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 316** and **HB 179** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 246** taken from Orders of the Day and ordered read at length for the third time Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Clark, Coffey, Cox, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McBrayer, McKinney, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

**HB 246** was passed and the title agreed to.

Representative DeMarcus moved that the vote by which **HB 246** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 284** be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 120** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Cox, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Isler, James, Johnson, Justice, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, Massey, May, McBrayer, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

**SB 120** was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 120** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **SB 126** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that the House adjourn until 11:00 a.m., Friday, February 23, 1968.

On the roll call the vote was yeas 35—Alexander, Allen, Baker, Bamberger, Brown, Clapp, James A. Davis, Walter F. Davis, DeMarcus, Harper, Hopkins, Johnson, Jones, Justice, Keith, King, Lawson, Louden, Massey, May, Melton, Robert L. Miller, Morgan, Prather, Rattliff, Ray, Rickert, Russell, Sartin, Schmidt, Wells, Wheeler, White, Wolchik, Wooley. Nays 4—Blythe, Hoe, James, Tobin.

The motion to adjourn was adopted.

## FRIDAY, FEBRUARY 23, 1968

## FORTY-SECOND LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend J. Carter Roberts, Church of the Nazarene, Frankfort.

The roll was called. All present except Representatives Ballenger, Bowles, Brown, Bruce, Clapp, Coffey, Dawhare, Denham, Halleck, Hampton, Holbrook, Justice, Keene, Lassiter, Maddox, Massey, McCallum, Peace, Rickey, Saylor, Simmons, Smith and Wesley.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative Wolchik moved that the reading of the Journal of February 21, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HB 465,** by Representative Lawson: AN ACT relating to working out fines and costs.

**HB 466,** by Representative Lawson: AN ACT relating to crediting time spent in jail against sentence.

**HB 467,** by Representative Isler: AN ACT relating to claims against the Commonwealth.

**HB 468,** by Representatives Bamberger and Rattliff: AN ACT relating to photography.

**HB 469,** by Representative Curlin: AN ACT relating to policemen and firemen.

**HB 470,** by Representatives Jones, Melton and Vanover: AN ACT relating to maintenance of subdivision roads in counties containing a city of the first class.

**HB 471,** by Representative Rickert: AN ACT relating to wild birds.

**HB 472,** by Representatives Ball and Hoffman: AN ACT relating to standards of conduct for public officers and employes and persons with whom they deal.

**HR 64,** by Representative Morgan: A JOINT RESOLUTION relating to the gray squirrel.

**HR 65,** by Representatives Morgan and Rickert: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to conduct a study to determine the best and proper procedure for establishing and operating a consumer protection agency to be appropriately located in state government and to report its findings to the General Assembly.

**HR 66,** by Representatives Allen and W. J. Reynolds: A RESOLUTION requesting the modification and reconstruction of Kentucky Highway 80 between Allen and Hazard.

**HR 67,** by Representatives Allen, May, Wolchik and McNamara: A RESOLUTION requesting the reconstruction of U. S. Highway 460 between its intersection with U. S. Highway 23 in Johnson County and its intersection with Interstate Highway 64 near Mt. Sterling.

**HR 68,** by Representative James: A RESOLUTION requesting the Department of Revenue to furnish the House of Representatives its best estimate of the amount of revenue that would be raised by imposing a 3 percent sales and use tax on all items now exempt from the sales and use tax.

**HB 473,** by Representatives Morgan and Ball: AN ACT relating to the acquisition, use, control, classification and disposition of real property.

**HB 474,** by Representatives Morgan and Ball: AN ACT relating to the payment of moving costs of residents of land taken.

**HB 475,** by Representatives Morgan and Ball: AN ACT relating to Circuit Court.

**HB 476,** by Representatives Morgan and Ball: AN ACT relating to the pay of jurors.

## Report of Committees

The Committee on Rules reported **SB 161, HB 343, HB 329, HB 312, HB 311, HB 307, HB 304, HB 249** with Committee Substitute attached thereto, **HB 309, HB 297, HB 324, HB 216** with Committee Amendment attached thereto, **HB 347, HB 201** with Committee Substitute attached thereto, and **HB 52** with Committee Substitute attached thereto, with the expression of opinion that the same should pass.

The Committee on Judiciary reported **HB 153** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 153,** AN ACT relating to prisoners and persons under arrest.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 432.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any prisoner confined on a sentence of imprisonment or under capias who, *without use of force,* escapes jail, or any person lawfully arrested for a violation of the criminal or penal laws who [forcibly], *without use of force,* or by bribery effects his escape from the officer or guard, shall be imprisoned for not less than six nor more than twelve months.

*(2) Any prisoner confined on a sentence of imprisonment or under capias who, by use of force, escapes jail, or any person lawfully arrested for a violation of the criminal or penal laws who, by use of force, effects his escape from the officer or guard, shall be confined in the penitentiary for not less than one nor more than five years.*

[(2) Any person convicted of a felony who escapes from jail shall be confined in the penitentiary for one year.]

The Committee on Judiciary reported **HB 144, HB 156, HB 182,** and **HB 283** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 69**, **HB 194** and **HB 298** without expression of opinion.

The Committee on Appropriations and Revenue reported **SB 84** with Committee Amendment attached thereto, and **HB 125** with Committee Substitute attached thereto, with the expression of opinion hat the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 84**, AN ACT relating to sales tax.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 139.480 of the Kentucky Revised Statutes is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter do not include the sale, use, storage, or other consumption of:

(1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof; or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce.

(2) Coal for the manufacture of electricity;

(3) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining to the extent that the cost of the energy or energy-producing fuels used exceeds three percent of the cost of production;

(4) Livestock of a kind the products of which ordinarily constitute food for human consumption provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;

(5) Poultry for use in breeding or egg production;

(6) Farm work stock for use in farming operations;

(7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, feed for livestock or poultry of a kind the products

of which ordinarily constitute food for human consumption, and commercial fertilizer to be applied on land the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that such tangible personal property so sold is to be used only by those persons designated above who are so purchasing;

(8) Machinery for new and expanded industry.

*(9) Farm machinery. As used in this section the term "farm machinery" means machinery used exclusively and directly in the occupation of tilling the soil for the production of crops as a business, or in the occupation of raising and feeding livestock or poultry or of producing milk for sale. The term "farm machinery" as used in this section includes the parts of such machinery, attachments, and replacements therefor which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to the operation of such machinery, and are customarily so used; but this exemption shall not include automobiles, trucks, trailers, and truck-trailer combinations.*

Committee Amendment to **SB 84** is as follows:

Amend printed copy of Senate Bill 84 on page 3, line 1, by: deleting the words "the parts of such"

**HB 125,** AN ACT relating to transfer of real property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Whenever real property is conveyed, the grantor and the grantee or their qualified agents or attorneys shall go before the county tax commissioner of the county in which the real property is situated and state to him under oath the full consideration paid for the real property by the purchaser valued in money, including any assumed indebtedness. After the parties

have so sworn the county tax commissioner shall certify on the face of the deed that this section of this Act has been complied with. If the parties do not agree on the consideration, or if both parties state a consideration that the county tax commissioner knows is false, he shall not certify the deed.

Section 2. Section 382.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located.

*(2) No county clerk or deputy county clerk shall admit to record a deed that does not contain either (a) the certificate provided by Section 1 of this Act, or, (b) the certificate of an attorney that the deed is not subject to Section 1 of this Act by reason of Section 4 of this Act.*

*(3)* [(2)] No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property or the interest conveyed therein.

*(4)* [(3)] If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

*(5)* [(4)] If the title to the property or interest conveyed is obtained from two or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (3) and (4), and shall show which part of the property, or interest therein, was obtained from each of the sources.

(6) [(5)] No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

(7) [(6)] No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one source.

(8) [(7)] This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.

Section 3. (1) The provisions of subsection (1) of KRS 382.990 apply to a clerk or deputy clerk who accepts a deed contrary to the provisions of subsection (2) of Section 2 of this Act.

(2) Any person who falsely states the consideration paid for property in the sworn statement required by Section 1 of this Act shall be fined not over five hundred dollars or imprisoned for not more than six months, or both.

(3) The provisions of subsection (2) of KRS 132.990 apply to a county tax commissioner who fails to perform his duties under Section 1 of this Act.

Section 4. This Act does not apply to a transfer of title:

(1) recorded prior to the effective date of this Act;

(2) to the United States of America, this State, or any instrumentality, agency, or subdivision thereof;

(3) solely in order to provide or release security for a debt or obligation;

(4) which confirms or corrects a deed previously recorded;

(5) between husband and wife, or parent and child, with only nominal consideration therefor;

(6) on sale for delinquent taxes or assessments;

(7) on partition;

(8) pursuant to mergers of corporations;

(9) by a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock.

Section 5. Section 132.480 of the Kentucky Revised Statutes is repealed.

Committee Substitute to **HB 125** is as follows:

**Committee Substitute HB 125,** AN ACT relating to transfer of real property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Whenever real property is conveyed, the grantor and the grantee or their qualified agents or attorneys shall furnish the county tax commissioner of the county in which the real property is situated by stating to him under oath or by affidavits the full consideration paid for the real property by the purchaser valued in money, including any assumed indebtedness. After the parties have so sworn the county tax commissioner shall certify on the face of the deed that this section of this Act has been complied with. If the parties do not agree on the consideration, or if both parties state a consideration that the county tax commissioner knows is false, he shall not certify the deed. Information relating to sales values obtained under this section shall be kept as confidential records of his office.

Section 2. Section 382.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) All deeds, mortgages and other instruments required by law to be recorded to be effectual against purchasers without notice, or creditors, shall be recorded in the county clerk's office of the county in which the property conveyed, or the greater part thereof, is located,

*(2) No county clerk shall admit to record any deed that does not contain either (a) the certificate provided for in Section 1 of this Act, (b) the certificate of an attorney or the County Tax Commissioner that the deed is not subject to Section 1 of this Act by reason of the exceptions provided for in Section 4 of this Act or (c) language in the instrument itself which shows that it is not subject to Section 1 of this Act by reason of the exceptions provided for in Section 4 of this Act.*

*(3)* [(2)] No county clerk or deputy county clerk shall admit to record any deed of conveyance of any interest in real property equal to or greater than a life estate, unless the deed plainly specifies and refers to the next immediate source from which the grantor derived title to the property or the interest conveyed therein.

*(4)* [(3)] If the source of title is a deed or other recorded writing, the deed offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor.

*(5)* [(4)] If the title to the property or interest conveyed is obtained from two or more sources, the deed offered for record shall plainly specify and refer to each of the sources in the manner provided in subsections (3) and (4), and shall show which part of the property, or interest therein, was obtained from each of the sources.

*(6)* [(5)] No grantor shall lodge for record, and no county clerk or deputy shall receive and permit to be lodged for record, any deed that does not comply with the provisions of this section.

*(7)* [(6)] No clerk or deputy clerk shall be liable to the fine imposed by subsection (1) of KRS 382.990 because of any erroneous or false references in any such deed, nor because of the omission of a reference required by law where it does not appear on the face of such deed that the title to the property or interest conveyed was obtained from more than one source.

*(8)* [(7)] This section does not apply to deeds made by any court commissioner, sheriff or by any officer of court in pursuance of his duty as such officer, nor to any deed or instrument made and acknowledged before March 20, 1928. No deed shall be invalid because it is lodged contrary to the provisions of this section.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The provisions of subsection (1) of KRS 382.990 apply to a clerk or deputy clerk who accepts a deed contrary to the provisions of subsection (2) of Section 2 of this Act.

(2) Any person who falsely states the consideration paid for property in the sworn statement or affidavit required by Section 1 of this Act shall be fined not over five hundred dollars or imprisoned for not more than six months, or both.

(3) The provisions of subsection (2) of KRS 132.990 apply to a county tax commissioner who fails to perform his duties under Section 1 of this Act.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Section 1 of this Act does not apply to an instrument:

(1) Executed prior to the effective date of this Act.

(2) Conveying title to the United States of America, the Commonwealth of Kentucky, or any instrumentality, agency, or subdivision thereof.

(3) Executed solely to release of security for a debt or obligation.

(4) Confirming or correcting a deed previously recorded.

(5) Given for nominal consideration or as a gift.

(6) Executed on sale for delinquent taxes or assessments.

(7) Executed to partition land.

(8) Constituting a lease for the purpose of exploring for oil or gas or any assignment of such lease.

(9) Granting an easement or right of way to any public service company.

(10) Executed pursuant to merger of corporation.

(11) Given by a subsidiary corporation to the parent corporation in consideration of cancellation or surrender of stock.

Section 5. Section 132.480 of the Kentucky Revised Statutes is repealed.

The Committee on Education reported **HB 401** and **HB 338** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 401**, AN ACT relating to Community Colleges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 164.591 of the Kentucky Revised Statutes is amended to read as follows:

A Community College shall be maintained in each of the following locations: Ashland, *Carrollton,* Covington, Cumberland, Elizabethtown, *Glasgow,* Henderson, Hopkinsville, *Madisonville,* Prestonsburg, Somerset, Blackey-Hazard, Jefferson County, and Mason County.

Section 2. Appropriations for the Glasgow and Madisonville Community Colleges shall have priority over appropriations for the Carrollton Community College.

**HB 338**, AN ACT relating to teachers' pensions.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 161.715 is amended to read:

(1) Any person who was employed as a certified teacher in the public elementary or secondary schools or state colleges of the Commonwealth of Kentucky as a regular, full-time teacher for a period of ten or more years prior to July 1, 1940, who has reached the age of seventy years as of July 1, 1962, and who

is not otherwise qualified to receive a pension or annuity from the Teachers' Retirement System, shall be entitled to a payment of forty dollars per month.

(2) The provisions of this section shall not apply to any person who is receiving a pension or annuity or other grant financed in whole or part by funds of the Commonwealth of Kentucky or its political subdivisions except Old Age and Survivors Insurance.

(3) The terms of this section shall become effective on July 1, 1962, and payment to qualified persons shall begin at such time following that date as applications are received on forms adopted by the Board of Trustees of the Teachers' Retirement System. *Beginning July 1, 1968, application for payment under the provisions of this Act shall be made on forms adopted by the Department of Economic Security.* No payments shall be made retroactive to the receipt of such application.

(4) Persons attempting to qualify for payment under the terms of this section shall furnish such proof of age, employment and other qualifications as the *Department of Economic Security* [board of trustees] may require. The *field workers in the Department of Economic Security* [board of trustees] shall be empowered to determine the eligibility of all applicants.

(5) *In order to provide adequate funds for the payment of the pensions authorized by this Act, the sum of seventy-five thousand dollars per annum is hereby appropriated from the General Expenditure Fund of the State Treasury.* Any unexpended funds are to be carried over without lapse into the next fiscal year.

The Committee on Education reported **HB 145** and **HB 117** with the expression of opinion that the same should not pass.

The Committee on Education reported **HB 165, HB 238, HB 127, HB 51** and **HB 78** without expression of opinion.

The Committee on Cities reported **HB 358, HB 299,** and **SB 19** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 358,** AN ACT relating to ordinances of cities of the second class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 89.610 is amended to read as follows:

(1) If a petition signed by a number of voters equal to at least twenty-five percent of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by the affidavits of one or more persons as to the signatures and residences, requesting the board of commissioners to pass an ordinance therein set forth, is presented to the board of commissioners, and if the ordinance therein requested to be passed is one that the board has a legal right to pass, the board shall then either pass the proposed ordinance without alteration within ten days after the petition is filed, or submit the question of its passage to the voters of the city at the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance (briefly describing it) be passed?" If a majority of the votes cast upon the question is in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective as soon as the result is officially ascertained and declared, and the ordinance shall not be amended or repealed except by the voters at a regular [biennial city] election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

(2) The board of commissioners may submit the question of repeal or amendment of any such ordinance to the voters at any succeeding regular [city] election, and if a majority of the votes cast on the question is in favor of the repeal or amendment, the ordinance shall be thereby repealed or amended as the case may be.

**HB 299,** AN ACT relating to inter-city and inter-county compacts for exchanging police protection.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes, KRS 65.255, is created to read:

If an agreement entered into under the authority of KRS 65.210 to 65.300 provides for cooperative action in the utilization of peace officers, police department members, while in the performance of their duties under such an agreement outside their own city or county, shall have the full power of arrest and all other powers they possess in their own city or county and shall have the same immunities and privileges as if the duties were performed in their own city or county.

**SB 19,** AN ACT relating to cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 96.189 is amended to read:

(1) Any city of the *second or* third class may, pursuant to an ordinance so providing, acquire any street car system existing in the city, with all its appliances, or may establish and install such a system, and may operate within and not more than ten air miles beyond the corporate limits of the city, improve and extend a system so acquired or installed upon such terms and conditions as may be provided by ordinance and by the terms of the contract by which the system is acquired or installed. Any city of the *second or* third class may acquire, establish and install a street omnibus or taxicab system, and operate it upon such terms and conditions as are prescribed by ordinance.

(2) To provide for the financing of the street car system or street omnibus or taxicab line, the city may issue bonds at not less than par and accrued interest, to bear any rate of interest not exceeding five percent payable semiannually, and to mature at any time not exceeding twenty years after their date, and may provide for a sinking fund to meet the bonds at their maturity. No such bonds shall be issued except in compliance with the general law in reference to the amount of indebtedness that may be incurred by cities of the second or third class, nor until after a vote is taken as required by law to authorize the incurring of such indebtedness.

The Committee on Elections and Constitutional Amendments reported **HB 423** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 423,** AN ACT proposing to amend the Constitution of Kentucky as it relates to the subject of the General Assembly of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is proposed that the Constitution of Kentucky as it relates to the subject of the General Assembly be amended by the following amendment:

That Section 36 of the Constitution of Kentucky be amended to read as follows:

*The General Assembly shall be a continuing body. It shall meet annually in regular session for not longer than sixty legislative days, which need not be consecutive, but no regular session shall continue beyond the thirtieth day of June of the year. The General Assembly shall convene on the first Tuesday after the first Monday in January every year, except that in years following the election of a Governor of this Commonwealth, the General Assembly shall convene on the first Tuesday after the first Monday in March. Sessions of the General Assembly shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere. The limitation as to length of session shall not apply to the Senate when sitting as a court of impeachment.*

[The first General Assembly, the members of which shall be elected under this Constitution, shall meet on the first Tuesday after the first Monday in January, eighteen hundred ninety-four, and thereafter the General Assembly shall meet on the same day every second year, and its sessions shall be held at the seat of government, except in case of war, insurrection or pestilence, when it may, by proclamation of the Governor, assemble, for the time being, elsewhere.]

And also that Section 42 of the Constitution of Kentucky be amended to read as follows:

*The members of the General Assembly shall severally receive from the Treasury of the Commonwealth compensation to be fixed by law.*

[The members of the General Assembly shall severally receive from the State Treasury compensation for their services, which shall be five dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from, the sessions of their respective Houses: Provided, The same may be changed by law; but no change shall take effect during the session at which it is made; nor shall a session of the General Assembly continue beyond sixty legislative days, exclusive of Sundays and legal holidays; but this limitation as to length of session shall not apply to the first session held under this Constitution, nor to the Senate when sitting as a court of impeachment. A legislative day shall be construed to mean a calendar day.]

Section 2. This amendment embodying the subject set forth in Section 1 shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes. If this amendment is ratified by the voters of the Commonwealth, it shall become effective the first Tuesday after the first Monday in January, 1970.

## Calendar

**HB 317, SB 81, SB 106, SB 129, HB 257, HB 322, HB 280, HB 258, HB 388, HB 342, HB 330, HB 333, HB 294, HB 398, HB 315, HB 360, HB 339, HB 188, HB 267,** and **HR 50** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

The Speaker read the following memorandum in regard to **HB 400:**

**MEMORANDUM**

TO: Representative Don Ball, District 55
Representative Fred Morgan, District 4

FROM: James T. Fleming, Director
Legislative Research Commission

SUBJECT: House Bill 400

DATE: February 23, 1968

Rule 52 of the House of Representatives specifies that discrepancies between the original copy of a bill and the printed copy be brought to the sponsor's attention.

Page 56, line 18, of House Bill 400 as introduced carries the figure $381,500,000. Page 54, line 17, of the printed copy of House Bill 400 carries the figure $481,500,000. I would suggest that sponsors make the correction in the original bill or in the printed copy as is necessary and initial the change as contemplated under Rule 52.

The Speaker authorized the Enrolling Clerk, with the concurrence of the Sponsors, to make the corrections in **HB 400** as indicated in the memorandum.

Representative W. J. Reynolds moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 477,** by Representatives Walters and Hopkins: AN ACT relating to state archives and records.

**HB 478,** by Representatives Mershon, Sartin, Coffey, Cruse, Hoe, Henry, Wright, Webster and Keene: AN ACT relating to motor vehicle operator licenses and fixing fees of circuit court clerk.

**HB 479,** by Representatives W. J. Reynolds, McBrayer, Hunt, Jones, R. Reynolds, DeMarcus, Mershon, Hopkins, Murphy, Johnson, McGill, Allen, May, Kidd, Siemens, Webster, Ray, Morgan, Blandford, Blume, Bleemel, Akers, Isler, Henry Lankford, Lawson, Sartin, Vanover, Kessinger, Louden, Floyd, Curlin, Cox, McNamara, Tobin, Arnett, Rattliff, Irick, Prather, McKinney, Hoffman, Smith, Clark, Huff, James, Alexander, Keith, Hardin, Wolchik, R. L. Miller, Cruse, Wells and Hinkle: AN ACT relating to property tax rates.

**HB 480,** by Representative Hinkle: AN ACT relating to education.

**HB 481,** by Representative Hinkle: AN ACT relating to education and the financing thereof.

**HB 482,** by Representative Hinkle: AN ACT proposing an amendment to Section 93 of the Constitution of Kentucky relating to the right of the superintendent of public instruction to succeed himself in office.

**HB 483,** by Representative Hinkle: AN ACT relating to education.

**HB 484,** by Representative Hinkle: AN ACT relating to removal of officers appointed by the Governor.

**HB 485,** by Representative Hinkle: AN ACT relating to education and the financing thereof.

**HB 486,** by Representatives King and Kessinger: AN ACT relating to firearms.

**Motions, Petitions, and Communications (Cont.)**

The Speaker vacated the Chair.

Representative McBrayer presiding.

**HR 66:** A RESOLUTION requesting the modification and reconstruction of Kentucky Highway 80 between Allen and Hazard.

WHEREAS, the Department of Highways of this Commonwealth, as a portion of its program for the improvement of the

highway system, has long had under consideration modification and reconstruction of Kentucky Highway 80 between Allen and Hazard, and

WHEREAS, the reconstruction of this highway is of vital importance to the economic and social development of Eastern Kentucky, and would provide a needed connection between the two branches of the Mountain Parkway together with U. S. Highway 23, and

WHEREAS, Federal matching funds are available for such project through the appalachian highways program on a 70%-30% basis,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

(1) That the Department of Highways of the Commonwealth of Kentucky is requested to proceed immediately to modify and reconstruct Kentucky Highway 80 between Allen and Hazard, Kentucky, so as to provide passing lanes on all hills;

(2) That copies of this Resolution be sent by the Clerk to the Governor and the Commissioner of the Department of Highways of the Commonwealth of Kentucky.

Representative Allen moved the adoption of **HR 66.** Agreed.

**HR 67:** A RESOLUTION requesting the reconstruction of U. S. Highway 460 between its intersection with U. S. Highway 23 in Johnson County and its intersection with Interstate Highway 64 near Mt. Sterling.

WHEREAS, U. S. Highway 23 is now being reconstructed through federal participation with the Commonwealth of Kentucky Department of Highways, and

WHEREAS, U. S. Highway 460 is a vital portion of the Highway system of the Commonwealth serving the economic and social development of Eastern Kentucky, but has fallen into disrepair and deterioration through neglect, and

WHEREAS, U. S. Highway 460, if reconstructed, can form an important link in the highway system by connecting U. S. Highway 23 in Johnson County with Interstate Highway 64 in Montgomery County, permitting the flow of traffic, goods and materials to and from Eastern Kentucky,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

1. That the Commonwealth of Kentucky Department of Highways be requested to commence the reconstruction of U. S. Highway 460 between its intersection with U. S. Highway 23 in Johnson County and Interstate Highway 64 near Mt. Sterling.

2. That copies of this resolution be sent to the Governor and to the Commissioner of Highways of the Commonwealth of Kentucky.

Representative Allen moved the adoption of **HR 67.** Agreed.

**HR 68:** A RESOLUTION requesting the Department of Revenue to furnish the House of Representatives its best estimate of the amount of revenue that would be raised by imposing a 3 percent sales and use tax on all items now exempt from the sales and use tax.

WHEREAS, the General Assembly is now engrossed in determining the most feasible manner to raise additional revenue for the Commonwealth; and

WHEREAS, the General Assembly should receive all pertinent information relating to the possibility of increasing the amount of revenue taken in by the Commonwealth; and

WHEREAS, the House of Representatives desires to be informed as to the amount of revenue that would be raised by imposing a 3 percent sales and use tax on all items now exempt from the sales and use tax.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the Department of Revenue is hereby requested to furnish the House of Representatives its best estimate of the amount of revenue that would be raised by imposing a 3 percent sales and use tax on all items now exempt from the sales and use tax.

Section 2. That a copy of this resolution be sent to the Department of Revenue immediately.

Section 3. That the Department of Revenue is hereby requested to furnish this information as soon as possible.

Representative James moved the adoption of **HR 68.** Agreed.

## Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1** with Committee Amendment attached thereto, and **HB 112** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 213** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Harper, Henry, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Schmidt, Siemens, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 213** was passed and the title agreed to.

Representative Blythe moved that the vote by which **HB 213** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 170** and **HB 210** be deferred and that they retain their position in Orders of the Day. Agreed.

**HB 134,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Henry moved the adoption of the Committee Amendment to **HB 134.** Agreed.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Clark, Cruse, Curlin, Walter F. Davis, DeMarcus, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, May, McBrayer, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Siemens, Stuart, Tobin, Vanover, Webster, Wells, Wolchik, Wooley, Wright. Nays 3—Floyd, Smith, Walters.

**HB 134** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 134** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HB 316,** with Committee Amendment attached thereto, be taken from Orders of the Day and placed upon its passage.

Representative Pettit moved that **HB 316,** with Committee Amendment attached thereto, be recommitted to the Committee on Judiciary. Agreed.

**HB 284** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Cox, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Hinkle, Hoe, Hoffman, Huff, Irick, Isler, James, Johnson, Keene, Keith, King, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 2—Cruse, R. L. Miller.

**HB 284** was passed and the title agreed to.

Representative Baker moved that the vote by which **HB 284** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 179** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Floyd, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keene, Keith, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Walters, Webster, Wells, Wheeler, Wooley. Nays 1—DeMarcus.

**HB 179** was passed and the title agreed to.

Representative Murphy moved that the vote by which **HB 179** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **SB 126** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Morgan moved that **HR 58** be placed upon its passage.

**HR 58,** A RESOLUTION expressing the concern of the House of Representatives over the mental health program's need for more state funds in order that the Department of Mental Health may provide more and better services.

WHEREAS, only two percent of Kentucky's total expenditures is appropriated for mental health in its budget as compared with six percent in Indiana, five percent in Georgia and three percent in Tennessee; and

WHEREAS, the Legislative Research Commission's Subcommittee on Mental Health has suggested in its recent report that Kentucky's mental health budget needs to be doubled; and

WHEREAS, the General Assembly showed its interest in the problems in the mental health program by its recent visit to the Frankfort State Hospital and School;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That the General Assembly does hereby express its concern over the mental health program's need for more state funds in order that the Department of Mental Health may provide more and better services.

Section 2. That a copy of this resolution be sent to the Department of Mental Health and to Mrs. Lon B. Rogers, 501 Fifth Street, Pikeville, Kentucky, 41501, who has expressed her sincere interest and concern over the regional services in the mental health program.

On the roll call the vote was yeas 67—Akers, Alexander, Allen, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keith, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McGill, McNamara, Melton, Mershon, Robert L. Miller, Mitchell,

Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HR 58** was passed and the title agreed to.

Representative Irick moved that the vote by which **HR 58** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HR 60** be placed upon its passage.

**HR 60,** A RESOLUTION urging the Kentucky High School Athletic Association Delegate Assembly to repeal its ruling lowering the age limit from twenty to nineteen for eligibility of a high school player to participate in high school sports and to reinstate its former ruling providing that a contestant becomes ineligible on his twentieth birthday.

WHEREAS, the delegation of the Kentucky High School Athletic Association has voted to lower the age limit from twenty to nineteen, effective August 1, 1968, for the eligibility of a high school player to participate in high school sports; and

WHEREAS, this in the opinion of many citizens, educators, students and parents can become a serious dilemma in the education of many of our youth, especially in rural Kentucky; and

WHEREAS, the compulsory school age of seven years causes many if not most rural children to finish the twelve-year course after becoming nineteen years old; and

WHEREAS, since many seventh and eighth grade children realize that they cannot take part in sports events during their senior year, they have no desire to enter high school and will become high school dropouts; and

WHEREAS, during the past few years, coaches throughout rural Kentucky have refused to play those freshmen students on high school teams who would become ineligible to play in their senior year; and

WHEREAS, it is not fair to punish these young students because they did not have the opportunity and facilities to get "out of the hollows and over the mountains" at the young age of six to attend good schools;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. That we hereby urge the Kentucky High School Athletic Association Delegate Assembly at its April meeting to repeal its ruling lowering the age limit from twenty to nineteen for eligibility of a high school player to participate in high school sports and to reinstate by-law four, page thirteen of the Kentucky High School Athletic Association Constitution which states: "A contestant becomes ineligible on his twentieth birthday."

Section 2. That copies of this resolution be sent to the officers of the Kentucky High School Athletic Association.

On the roll call the vote was yeas 50—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Cruse, James A. Davis, Floyd, Harper, Henry, Hinkle, Huff, Irick, Isler, James, Johnson, Keene, Keith, Kessinger, Kidd, Lankford, Lawson, Louden, May, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Rattliff, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Vanover, Webster, Wells, Wooley, Wright. Nays 7—Clark, Curlin, Greer, Hoe, Jones, Prather, Rickert.

**HR 60** was passed and the title agreed to.

Representative Irick moved that the vote by which **HR 60** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **SB 161** and **HB 343** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 329** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it

be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Arnett, Baker, Ball, Bleemel, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Irick, Isler, Johnson, Jones, Keene, Keith, Kessinger, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 329** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 329** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 312** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 66—Akers, Alexander, Allen, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, Johnson, Jones, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 312** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 312** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 311** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Akers, Alexander, Allen, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, King, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 311** was passed and the title agreed to.

Representative Johnson moved that the vote by which **HB 311** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 307** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67—Akers, Alexander, Allen, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Huff, Irick, Isler, James, Jones, Keene, Kessinger, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 307** was passed and the title agreed to.

Representative Morgan moved that the vote by which

**HB 307** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 304** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Akers, Alexander, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Russell, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 304** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 304** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 249,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative DeMarcus moved the adoption of the Committee Substitute to **HB 249.** Agreed.

Representative DeMarcus moved the adoption of the following Amendment to **HB 249:**

Amend printed copy of Committee Substitute House Bill 249 on page 2, lines 3 and 4, by:

deleting the words "a change of registration to vote has been filed with the county court clerk, and" and by inserting after the word "preference" the words "has been"

Agreed.

On the roll call the vote was yeas 66—Akers, Alexander, Arnett, Baker, Ball, Blandford, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Sartin, Schmidt, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 1—Ray.

**HB 249** as amended was passed.

Representative James moved the adoption of the following Title Amendment to **HB 249:**

Amend printed copy of Committee Substitute for House Bill 249 on page 1, line__, by:

amending said title to read: "AN ACT relating to presidential preference primary election. This Act shall be known as the William H. DeMarcus presidential primary Act."

Agreed.

Representative Morgan moved that the vote by which **HB 249** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Greer requested his name be added as co-sponsor of **HB 312.** Agreed.

**HB 309** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Akers, Alexander, Arnett, Baker, Ball, Bleemel, Blume, Blythe, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Huff, Irick, Isler, James, Johnson, Jones, Keene, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds,

Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 309** was passed and the title agreed to.

Representative Wolchik moved that the vote by which **HB 309** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 324** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 216,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Irick moved the adoption of the Committee Amendment to **HB 216.** Agreed.

On the roll call the vote was yeas 35—Akers, Allen, Ball, Bamberger, Blandford, Bleemel, Blume, Clark, Cruse, Floyd, Harper, Hoe, Hopkins, Huff, Irick, Isler, Johnson, Kidd, Lankford, Lawson, May, McGill, McKinney, Melton, Mershon, Mitchell, Pettit, Rattliff, W. J. Reynolds, Sartin, Smith, Webster, Wolchik, Wooley, Wright. Nays 13—Alexander, Baker, Cox, Curlin, Henry, Hoffman, Hunt, Keith, King, McBrayer, Rickert, Walters, Wells.

**HB 216** as amended was defeated.

Representative Irick moved that the vote on **HB 216** as amended be reconsidered and that it be laid on the Clerk's Desk. Agreed.

**HB 347** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 64—Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe,

Clark, Cox, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Hardin, Harper, Henry, Hinkle, Hoe, Hopkins, Huff, Irick, Isler, James, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Schmidt, Siemens, Smith, Stuart, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 347** was passed and the title agreed to.

Representative Riddle moved that the vote by which **HB 347** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 52,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Harper moved the adoption of the Committee Substitute to **HB 52.** Agreed.

On the roll call the vote was yeas 68—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Clark, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Harper, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lawson, Louden, May, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Siemens, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wolchik, Wooley. Nays 0.

**HB 52** as amended was passed and the title agreed to.

Representative Harper moved that the vote by which **HB 52** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 201** be deferred and that it retain its position in Orders of the Day. Agreed.

Representative Stuart moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

**Introduction of Bills and Resolutions**

**HR 69,** by Representatives Stuart, W. J. Reynolds, May, Cox, Blythe, Hoe, Jones and Pettit: A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a comprehensive study relating to outmoded laws which still appear in the Kentucky Revised Statutes and making recommendations for revising, consolidating or repealing such laws to the 1970 General Assembly.

Representative Morgan moved that the House adjourn until 3:00 p.m., Monday, February 26, 1968.

On the roll call the vote was yeas 42—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Blythe, James A. Davis, Walter F. Davis, DeMarcus, Greer, Harper, Hoe, Hopkins, Johnson, Jones, Keith, Kessinger, King, Lankford, Lawson, Louden, May, McKinney, Melton, Mitchell, Morgan, Prather, Rattliff, Ray, Russell Reynolds, Rickert, Riddle, Russell, Sartin, Schmidt, Webster, Wells, Wolchik, Wooley. Nays 2—Clark, Siemens.

The motion to adjourn was adopted.

## MONDAY, FEBRUARY 26, 1968

## FORTY-FOURTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend John C. Chenault of the First Christian Church, Frankfort.

The roll was called. All present except Representatives Hoffman, Isler, McCallum and Siemens.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 23, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 70,** by Representative Keene: A CONCURRENT RESOLUTION relating to remedial reading classes in the public schools.

**HR 71,** by Representatives R. L. Miller, C. R. Miller, Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Carroll, Clapp, Clark, Coffey, Cruse, Curlin, W. F. Davis, Dawhare, DeMarcus, Denham, Floyd, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Hopkins, Huff, Irick, James, Jones, Justice, Keene, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May McGill, McKinney, McNamara, Melton, Mershon, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Ray, R. Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Russell, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Webster, Wesley, White, Wolchik, Wooley and Wright: A RESOLUTION commending the University of Louisville basketball team.

**HB 487,** by Representative Curlin: AN ACT relating to payments in lieu of taxes by the Capital Plaza Authority.

**HB 488,** by Representative Hunt: AN ACT relating to motor vehicle operator's licenses.

**HB 489,** by Representative Hunt: AN ACT providing for prosecuting attorneys pro tem in third class cities.

**HB 490,** by Representative Hunt: AN ACT relating to debtors' exemptions.

**HB 491,** by Representative Hunt: AN ACT relating to prosecuting attorneys in cities of the third class.

**HB 492,** by Representative Hunt: AN ACT relating to qualifications of police and fire department members in cities of the second and third class.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 471.**

Appropriations and Revenue: **HB 447, HB 456, HB 463, SB 27.**

Banking and Insurance: **HB 446, SB 85, SB 225.**

Business Organizations and Professions: **HB 450, HB 468.**

Cities: **HB 440, HB 469.**

Counties and Special Districts: **HB 439, HB 449, HB 465, HB 466, HB 470.**

Education: **HB 480, HB 481, HB 483, HB 484, HB 485, SB 213.**

Elections and Constitutional Amendments: **HB 482.**

Health and Welfare: **HB 441, HB 442, HB 443, HB 452, SB 31.**

Highways and Traffic Safety: **HB 451.**

Judiciary: **HB 424, HB 455, HB 464, HB 486, HR 65.**

Labor and Industry: **HB 453**

Public Utilities and Transportation: **HB 457, HB 458, HB 478.**

State Government: **HB 425, HB 426, HB 427, HB 428, HB 429, HB 430, HB 431, HB 432, HB 433, HB 434, HB 435, HB 436, HB 437, HB 438, HB 444, HB 445, HB 448, HB 454, HB 459, HB 460, HB 461, HB 462, HB 467, HB 472, HB 473, HB 474, HB 475, HB 476, HB 477, HB 479, HR 64, HR 69, SB 207, SB 223.**

## Report of Committees

The Committee on Appropriations and Revenue reported **HB 328** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the calendar.

**HB 328,** AN ACT relating to vehicle operating expenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 44.060 is amended to read:

When any state officer, member of a state board or commission, or any subordinate officer, agent or employe thereof is authorized by law to and does incur, in the discharge of his official duties, any expense incident to traveling in his own motor vehicle, the amount allowed for such expense shall be fixed by the commissioner of Finance not to exceed eight cents per mile over the nearest traveled route over which he has traveled, *except conservation officers shall receive ten cents per mile,* which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.

The Committee on Appropriations and Revenue reported **SB 214,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 214,** AN ACT relating to general appropriations to the Legislative Research Commission for the operation, maintenance, support, and functioning of the Legislative Branch of government and its agencies of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART ONE
GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year beginning July 1, 1968, and ending June 30, 1969, and for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the following sums:

A. Legislative Sessions.

| | |
|---|---|
| 1968-1969 | $ 413,400 |
| 1969-1970 | $1,164,150 |

Includes monthly expense allowance authorized by the enactment of House Bill 32 of the 1966 General Assembly and the publishing of the Acts and Journals. Includes expenses of staffing and operating subcommittees of the Legislative Research Commission in the sum of $75,000 for 1968-1969 and $37,500 for 1969-1970. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

B. Legislative Research Commission.

| | |
|---|---|
| 1968-1969 | $ 537,640 |
| 1969-1970 | $ 611,286 |

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

C. Legislative Audit Committee.

| | |
|---|---|
| 1968-1969 | $ 80,000 |
| 1969-1970 | $ 100,000 |

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

D. Speaker of House of Representatives. For salaries and expense of the Office of Speaker of House of Representatives.

| | |
|---|---|
| 1968-1969 | $ 25,000 |
| 1969-1970 | $ 25,000 |

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

E. Council of State Governments.

| | |
|---|---|
| 1968-1969 | $ 14,000 |
| 1969-1970 | $ 20,200 |

PART TWO
REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the Legislative Research Commission for the fiscal year ending June 30, 1969 and for the fiscal year ending June 30, 1970 all of the receipts from the sale of publications relating to Kentucky Revised Statutes and Administrative Regulations in addition to the $175,000 appropriation made in House Bill 1 of the 1966 General Assembly and the unexpended balance for the fiscal year ending June 30, 1968. All deposits are to be made to the accounts of the following funds:

A. Statute Revision Printing Fund.

B. Administrative Regulation Fund.

TOTAL—LEGISLATIVE

| | |
|---|---|
| 1968-1969 | $1,070,040 |
| 1969-1970 | $1,920,636 |

Committee Substitute to **SB 214** is as follows:

**Committee Substitute SB 214,** AN ACT relating to general appropriations to the Legislative Research Commission for the operation, maintenance, support, and functioning of the Legislative Branch of government and its agencies of the Commonwealth of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART ONE
GENERAL FUND

There is appropriated to the Legislative Research Commission out of the General Expenditure Fund for the fiscal year be-

ginning July 1, 1968, and ending June 30, 1969, and for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the following sums:

## I. GENERAL ASSEMBLY

A. *Legislative Sessions.*

1968-1969 ..... $ 90,000
1969-1970 ..... $880,700

Includes the publishing of the Acts and Journals. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

B. *Monthly Expenses of Legislators.*

1968-1969 ..... $248,400
1969-1970 ..... $195,950

Includes monthly expense allowance authorized by the enactment of House Bill 32 of the 1966 General Assembly.

C. *Interim Committees.*

1968-1969 ..... $ 50,000
1969-1970 ..... $ 50,000

Includes the expenses of interim operation of the House and Senate standing committees as subcommittees of the Legislative Research Commission as contemplated by the 1968 House and Senate Rules and under the authority of the Legislative Research Commission to appoint subcommittees pursuant to KRS Chapter 7. Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

D. *Majority Party Office.*

1968-1969 ..... $ 25,000
1969-1970 ..... $ 25,000

Includes the staff and office expenses of a majority party office to be maintained by the Legislative Research Commission and to be under the supervision of the majority party members of the Legislative Research Commission. Any unexpended bal-

ance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

E. *Minority Party Office.*

1968-1969 ----------$ 25,000
1969-1970 ----------$ 25,000

Includes the staff and office expenses of a minority party office to be maintained by the Legislative Research Commission and to be under the supervision of the minority party members of the Legislative Research Commission. Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

I. TOTAL—GENERAL ASSEMBLY

1968-1969 ----------$ 438,400
1969-1970 ----------$1,176,650

II. OTHER THAN GENERAL ASSEMBLY

F. *Legislative Research Commission.*

1968-1969 ----------$537,640
1969-1970 ----------$611,286

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

G. *Legislative Audit Committee.*

1968-1969 ----------$ 80,000
1969-1970 ----------$100,000

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

H. *Speaker of House of Representatives.* For salaries and expenses of the Office of Speaker of the House of Representatives.

1968-1969 ----------$ 25,000
1969-1970 ----------$ 25,000

Any unexpended balance remaining at the close of the 1968-1969 fiscal year shall not lapse, but shall continue into the 1969-1970 fiscal year.

I. *Council of State Governments.*

1968-1969 ..... $ 14,000
1969-1970 ..... $ 20,200

II. TOTAL—OTHER THAN GENERAL ASSEMBLY

1968-1969 ..... $656,640
1969-1970 ..... $756,486

PART TWO
REVOLVING, TRUST AND AGENCY FUNDS

There is appropriated to the Legislative Research Commission for the fiscal year ending June 30, 1969 and for the fiscal year ending June 30, 1970 all of the receipts from the sale of publications relating to Kentucky Revised Statutes and Administrative Regulations in addition to the $175,000 appropriation made in House Bill 1 of the 1966 General Assembly and the unexpended balance for the fiscal year ending June 30, 1968. All deposits are to be made to the accounts of the following funds:

A. Statute Revision Printing Fund.

B. Administrative Regulations Fund.

GRAND TOTAL—LEGISLATIVE

1968-1969 ..... $1,095,040
1969-1970 ..... $1,933,136

The Committee on Business Organizations and Professions reported **HB 229** and **HB 351** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 229,** AN ACT relating to television and radio repairment.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. (1) This Act may be cited as the "Television and Radio Licensing Act".

(2) It is hereby declared to be the public policy of the Commonwealth of Kentucky that the public should be pro-

tected from financial losses and other hazards resulting from irresponsible service methods, unethical practices, inferior installation, maintenance and repair of television, radio phonograph, magnetic recording, and play back equipment, including antenna receiving systems.

Section 2. As used in this Act the following terms are hereby defined as follows:

(1) "Person" means any individual, firm, association, partnership, joint stock association, trust or corporation;

(2) "Board" means the Board of Television and Radio Service Examiners hereinafter created;

(3) "Television and radio electronic technician" means any individual who has been duly licensed by the board pursuant to the provisions of this Act;

(4) "Apprentice television and radio electronic technician" means an individual who has been duly registered by the board and who is learning the fundamentals of servicing receiving equipment under the direct and personal supervision of a duly licensed television and radio electronic technician;

(5) "Antenna installer" means any individual who has been duly licensed by the board pursuant to the provisions of the Act;

(6) "Apprentice antenna installer" means an individual who has been duly registered by the board and who is learning the fundamentals of servicing antenna receiving systems under the direct and personal supervision of a duly licensed antenna installer;

(7) "Receiving equipment" means television and radio receiving apparatus intended to reproduce television and radio broadcasts;

(8) "Phonograph, magnetic recording and play back equipment" means apparatus to reproduce sound by means of wire or tape;

(9) "Antenna receiving systems" means apparatus used for intercepting television and radio broadcast signals and apparatus used to conduct these signals receiving equipment;

(10) "Service" means the repair, maintenance, installation or modifications of receiving equipment or antenna receiving systems.

Section 3. (1) It shall be unlawful:

(a) For any person, for compensation or hire, to service receiving equipment or antenna receiving systems without a license issued hereunder;

(b) For any person, for compensation or hire, to cause or permit others, to be employed or engaged in the servicing of receiving equipment or antenna receiving systems unless the individual so employed or engaged is duly licensed hereunder;

(c) For any person to offer, directly or indirectly, by advertisement, telephone, or by any other manner, the services of a person not duly licensed hereunder to service receiving equipment or antenna receiving systems.

(2) Exempted from the provisions of this Act are:

(a) Government agencies;

(b) Vocational and accredited education programs when their service is not offered to the public for compensation or hire; or indirect competition to duly licensed person;

(c) Manufacturers of receiving equipment and antenna receiving systems, and manufacturers of related products such as service manuals, technical literature, component parts or test instruments who render service as a necessary operation in the manufacture of their products, provided however that such service is rendered prior to retail sale of such products as receiving equipment and antenna receiving systems.

Section 4. (1) There is hereby created a Board of Television and Radio Service Examiners, consisting of seven members, to be appointed by the Governor within sixty days after the taking effect of this Act, which shall be known as the "Kentucky State Board of Television and Radio Service Examiners". Each member of the board shall be qualified for a license under the provisions of Section 13 of this Act and, after June 30, 1968 shall be duly licensed hereunder. The members of first board shall be appointed as follows: Two for the term of

one year; two for the term of two years; two for the term of three years; one for the term of four years; and thereafter, two members of said board shall be appointed each year except that every fourth year following the effective date of this Act, one member of said board shall be appointed. A member of the board shall hold such office until his successor is appointed and qualified but shall not otherwise be eligible for successive reappointment.

(2) In the event of a vacancy on the board, the Governor shall within thirty days thereafter appoint a successor for the balance of the unexpired term created by such vacancy. Such board shall be composed of not more than four of one political party. No more than two members shall be residents of the same county.

Section 5. (1) The board shall elect a president from its members and shall appoint a secretary who may or may not be a member of the board, and such president and secretary shall hold their respective offices for one year.

(2) Five members shall constitute a quorum. The board shall be furnished with suitable quarters for the conduct of its business and shall adopt and use a seal for the authentication of its orders and records. The secretary of the board shall keep a record of its proceedings and a record of persons licensed showing the name, place of business and residence of each licensee, and the date and number of his license, and a record of all licenses or certificates issued, refused, renewed, suspended or revoked. The board shall meet at least quarterly, and shall annually, on or before the first day of July of each year, make a report to the Governor of its official acts during the preceding year, and of its receipts and disbursements, and such recommendations as it may deem expedient.

Section 6. Before entering upon the discharge of the duties of his office, the secretary of the board shall give a bond to the state to be approved by the Governor and filed with the Secretary of State in the penal sum of ten thousand dollars conditional upon the faithful performance of the duties of his office. The secretary shall give a proper receipt for all monies received

by the board under this Act, and shall at the end of each month report to the Department of Finance the total amount received by said board under the provisions of this Act, from all sources, and shall at the same time deposit the entire amount of such receipts with the State Treasurer, to be credited to an account of the general fund of the state to be known as the "Board of Television and Radio Service Examiners Fund." At the close of each fiscal year any sum of money in said fund after payment of expenses necessary to carry out the provisions of this Act, shall be transferred to and become a part of the general fund of the State of Kentucky. The board by its president and secretary, shall from time to time certify to the Department of Finance the necessary expenses incurred by said board, including the salaries, per diem and expense allowances hereinafter provided.

Section 7. Each member of the board shall receive twenty-five dollars for each day actually employed in the discharge of his official duties, his necessary expenses incurred therein, together with ten cents per mile while traveling to and from any regular or called meeting of the board and the cost of meals and hotel accommodations when absent from the county of his residence on the business of the board in an amount not exceeding fifteen dollars per day. The board shall have authority, subject to the approval of the Department of Finance, to fix the salary of its secretary and to employ such clerks, assistants and investigators as it may deem necessary for the proper execution of its functions and to fix their salaries and expenses. The board shall have authority to make all such reasonable rules and regulations as it may deem necessary or desirable to carry out the provisions of this Act and which are not inconsistent therewith.

Section 8. The board shall conduct examination of applicants for licenses for "Television and Radio Electronic Technician" and "Antenna Installer" at least once each three months at a time and place as determined by the board, and shall have authority to investigate all facts pertinent to any application for a license, registration certificate or renewals thereof, required hereby.

Section 9. The examinations to be given by the board shall be practical in character and shall relate to those matters which fairly test the capacity of the applicant for the license for which he is being examined. The examination shall cover the theory and practice of service, knowledge and the provisions of this Act, interpretations of charts and blueprints and the knowledge of proper safety measures relating to the physical safety of the general public who may use his service. The examination may be written or oral. Upon obtaining a grade previously established by the board as a passing or satisfactory grade or mark, such applicant for a license as a "Television and Radio Electronic Technician" or "Antenna Installer" shall be issued such license by the board if the applicant possesses and meets the other qualifications required by this Act.

Section 10. The board shall issue a license certificate and badge of a design approved by the board to each applicant who satisfactorily meets the requirements for such license. A person so licensed shall display his license certificate in plain view in this place of business or otherwise in the place where his service is performed, and a person so licensed shall wear in plain view the badge issued by the board, showing his license number, when performing service outside his normal place of business or employ.

Section 11. Application for any license or certificate to be issued hereunder shall be made under oath on forms furnished for such purpose by the board and shall contain in addition all other reasonable information as shall be requested by the board, together with the following:

(1) Name, age and address of the applicant;

(2) Statement of training and experience of the applicant.

Section 12. (1) An applicant for a television and radio electronic technician license shall be at least eighteen years of age, of good moral character and temperate habits and who:

(a) Has been for an aggregate period of not less than two years as an apprentice television and radio electronic tech-

nician under the direct and personal supervision of a television and radio electronic technician; or

(b) Shall have an aggregate period of not less than four years' experience in servicing equipment if such experience in servicing equipment has been had outside the State of Kentucky; or

(c) Exhibits a diploma or certificate showing safisfactory completion of a course in servicing receiving equipment conducted in a school under the jurisdiction of the Department of Education or approved by the federal government for vocational training of honorably discharged veterans of the armed forces of the United States of America; or

(d) Has successfully completed a course in servicing receiving equipment from a correspondence school or trade school, approved by the board, and has had experience as an apprentice television and radio electronic technician for not less than an aggregate period of one year. However if this experience has been obtained outside the State of Kentucky, such exprience must be for an aggregate period of not less than two years.

(2) An applicant for a "registration certificate" as an apprentice television and radio electronic technician must be at least sixteen years of age, of good moral character and of temperate habits and shall have the application signed by the television and radio electronic technician under whose direct and personal supervision he will be learning to render service.

(3) An applicant for an antenna installer license shall be at least eighteen years of age of good moral character and temperate habits and who:

(a) Has been engaged for an aggregate period of not less than one year as an apprentice in rendering service on antenna receiving systems under the direct and personal supervision of an antenna installer; or

(b) Shall have had an aggregate period of not less than two years' experience in rendering service on antenna receiving systems if such experience has been obtained outside the State of Kentucky; or

(c) Exhibits a diploma or certificate showing satisfactory completion of a course in servicing antenna receiving systems conducted in a school under the jurisdiction of the Department of Education or approved by the federal government for vocational training of honorably discharged veterans of the armed forces of the United States of America; or

(d) Has successfully completed a course in servicing antenna receiving systems from a correspondence or trade school, approved by the board and has had experience as an apprentice antenna installer for not less than an aggregate period of six months. If this experience has been obtained outside the State of Kentucky, such experience must be for an aggregate period of not less than one year.

(4) An applicant for a "registration certificate" as an apprentice antenna installer must be at least sixteen years of age, of good moral character and temperate habits and shall have the application signed by the antenna installer under whose direct and personal supervision he will be learning to render service.

Section 13. Any resident of this state who shall, within the four year period immediately prior to the passage of this Act, have had the equivalent of twenty-four months of experience servicing, receiving equipment or antenna receiving systems, at one or more established places of business in this state shall be granted a license, for the respective type or types of service for which such experience qualifies him, without examination, upon making application to the board before June 30, 1968, and paying the required license fee for such license if he is otherwise qualified for such license under the provisions of this Act.

Section 14. The television and radio electronic technician, or antenna installer, who signs an application for registration of an apprentice shall be responsible for the acts of apprentices who are under their direct and personal supervision in rendering service. If such responsibility is terminated for any reason, such technician or antenna installer must certify this fact to the board within thirty days after such termination.

Section 15. Licenses issued hereunder shall not be transferable. The board may refuse to issue, and is empowered to revoke or suspend, any license if the applicant therefor, or holder thereof, shall have:

(1) Been convicted of a felony by a certified copy of the record of the court of conviction; or

(2) Engaged in any unethical practice or conduct, as reasonably defined by the board, which shall include and mean any conduct of a character likely to mislead, deceive or defraud the public or the board; or

(3) Advertised in any manner by which untruthful or misleading statements are made; or

(4) Performed any service in pursuance of such untruthful or misleading advertising; or

(5) Violated any of the provisions of this Act or any rule or regulation of the board promulgated under this Act; or

(6) Failed to display all licenses and badges as required hereunder conspicuously in the place of business wherein service is being performed; or

(7) Performed any service in an unworkmanlike or unskilled manner, showing evidence of negligence or carelessness.

Section 16. In no case shall the board refuse to issue a license or to suspend or revoke one, on any of the causes set forth in Section 15 of this Act, or on the ground that the applicant or licensee is not a person of good moral character and temperate habits, without first having given such applicant or licensee an opportunity to be heard in his own defense and reasonable time to prepare therefor by mailing to such applicant or licensee, by registered or certified mail to the address shown in his application or license, a copy in writing of the grounds on which such application or license may be denied, suspended or revoked.

Section 17. In addition to any other penalties prescribed or authorized herein, for action or inaction declared illegal or unlawful, injunction of a mandatory or restraining nature shall

also be granted by any circuit court of the county, wherein said illegality or unlawfulness has occurred, upon application of the Attorney General of the Commonwealth of Kentucky. The Attorney General shall apply for an injunction only at the request of the board. The application shall be tried in the same manner and under the same rules of procedure as other civil actions are tried. The action shall be brought in the name of the Commonwealth of Kentucky on relation of the Attorney General of the Commonwealth of Kentucky.

Section 18. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than one hundred dollars nor more than five hundred dollars. Each day of violation hereunder shall constitute a separate offense.

Section 19. (1) The board shall annually charge and collect a fee of ten dollars for each license, and shall annually charge and collect a fee to be determined by the board, not to exceed two dollars from each applicant for an apprentice "registration certificate" or renewal thereof. Individuals who qualify for both licenses, will pay for one only.

(2) The board may charge a fee of not more than twenty-five dollars for admission to the examinations required herein, and upon failure of any applicant to satisfactorily pass the examination for license he shall be privileged to take a subsequent examination at any other examination period upon the payment of an additional examination fee, if one is fixed by the board, in an amount not more than ten dollars.

Section 20. Any person registered by authorities other than the board may, in the discretion of the board, be issued a permit under the terms of reciprocity agreements. The board may arrange for reciprocity in registration with the authorities of other states and territories having requirements substantially equal to those established in this Act.

Section 21. (1) The board shall issue duplicate licenses herein required upon the filing of a statement by the licensee showing the need of such license, verified by the oath of the applicant, and a payment of a fee of one dollar for the issuance

of the same. Each duplicate license shall have the word "duplicate" stamped across the face thereof, and shall bear the same number as the license originally issued.

(2) All licenses herein required shall expire as of June 30 of each calendar year.

Section 22. Each section, subsection, sentence, clause and phrase of this Act is declared to be an independent section, subsection, sentence, clause or phrase, and the finding or holding of any section, subsection, sentence, clause or phrase to be unconstitutional, void or ineffective for any cause shall not affect any other section, subsection, sentence, or part thereof.

Section 23. A person engaged in the business regulated by this Act on or after July 1, 1967 and who shall apply for the appropriate license or licenses hereunder prior to June 30, 1968 shall not be in violation of this Act unless and until his application for such license or licenses shall be denied.

Section 24. The board shall prescribe, by regulation, rules for the conduct of hearings held under Section 16 of this Act. The rules shall provide for a fair hearing and shall require the board to make a record of proceedings before it.

Section 25. Within thirty days after final action by the board following a hearing, an aggrieved party may petition Franklin Circuit Court for review. The court shall decide the case on the record, and shall not set aside the board's order except for errors of law, or upon a finding that the board's action was arbitrary or capricious.

**HB 351**, AN ACT providing that coin operated amusement machines shall not be considered as gambling devices.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 436.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up,

keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps, manages, operates or conducts a game of cards, oontz or craps, whereby money or anything of value may be won or lost, or with or without compensation, percentage or commission, assists in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined five hundred dollars, and confined in the penitentiary for not less than one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification and shall not be valid without the recital.

(2) Subsection (1) of this section shall not apply to persons who play at such games, machines or contrivances, unless they aid or take other part in setting up, conducting, keeping, managing or operating them.

(3) The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection (1) of this section shall not prevent the conviction of any person violating the provisions of that subsection.

(4) Subsection (1) of this section shall not apply to persons who sell combination or french pools on any regular race track during the races on that track. An indictment for a violation of the provisions of subsection (1) of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

(5) Subsection (1) of this section shall not apply to persons who maintain, manage, or display *any coin operated amusement machines, which are hereby specifically enumerated as lawful in this state and defined as follows:*

*A coin operated amusement machine is any amusement game, which may be operated by the insertion of one or more*

*coins, which may or may not reward the player or players thereof with the right of one or more replays, allowing the player only the right to continue to play the machine without the insertion of additional coins, whether or not recorded or metered in any way, and which provides the player or players with an opportunity to exercise any skill or judgment in the play or selection of scoring opportunities contained therein, and which does not contain any pay out unit and does not deliver to the player thereof money, tokens, merchandise, premiums or other tangible property.*

[any electro-mechanical pinball machine specially designed, constructed, set up, and kept to be played for amusement only; provided, any such pinball machine shall be made to receive and react to the deposit of one five or ten cent coin and no more during the course of a game; provided, the ultimate and only reward given directly or indirectly to any player for the attainment of a winning score or combination on any such pinball machine shall be the right to play one or more additional games immediately on the same device at no further cost; provided, the maximum number of free games that can be won, registered, or accumulated at one time in the operation of any such pinball machine shall not exceed thirty free games; provided, any such pinball machine shall be made to discharge accumulated free games only by reactivating the play mechanism once for each game released; and provided, any such pinball machine shall be made and kept with no meter or system to preserve a record of free games played, awarded, or discharged. Nonetheless, subsection (1) of this section shall apply to any person who gives or promises to give money, tokens, merchandise, premiums, or property of any kind for scores, combinations or free games obtained in playing any pinball machine in which such person has an interest as owner, operator or keeper. And subsection (1) of this section shall apply, nonetheless, to any person who sets up, keeps, operates, or manages any machine or contrivance which is classified and taxed as a gaming device under the Internal Revenue Code of the United States, including but not limited to any electromechanical pinball machine designed to receive and react to multiple coin deposits during the course of a single game, with sets of variable odds or scoring possibilities determined or produced by the application of chance.]

The Committee on Education reported **HB 237** with Committee Amendment attached thereto, **HB 413, HB 365** and **HB 288** with Committee Amendment attached thereto with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 237,** AN ACT relating to schools.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 158.030 is amended to read:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by *October 1* [December 31] following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semeter may enter school at the beginning of that semester. Any child who becomes six years of age later than *October 1* [December 31] following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

Committee Amendment to **HB 237** is as follows:

Amend printed copy of House Bill 237 on page 1, line 10, by:

inserting after the word "by" the following words, *"December 1, 1968, November 1, 1969 and by"* also on Page 1 line 10, by inserting after the word "October 1" the words, *"in any year thereafter"*

**HB 413,** AN ACT relating to the Teachers' Retirement System of the State of Kentucky.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 161.661 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any member who has completed ten or more years of accredited service in the public schools, or other covered positions, of the State of Kentucky, *after July 1, 1941,* one full year of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance. The disability must have occurred subsequent to the most recent period of employment in a position covered by the teachers' retirement system and subsequent to the completion of ten years of teaching service in Kentucky. The annual allowance shall be equal to one-half of the last earned annual compensation.

(2) No member who has reached the age of sixty years and who is otherwise qualified for retirement may retire by reason of disability.

(3) Members shall earn one year of entitlement to disability retirement for each four years of service in a covered position but any member meeting the service requirement for disability retirement shall be credited with no less than five years of such eligibility.

(4) A member retired by reason of disability shall continue to earn service credit at the rate of one year for each year so retired.

(5) Any member retired by reason of disability and remaining disabled at the expiration of the eligibility period shall be entitled to retire for service. The retirement allowance shall be calculated as set forth in KRS 161.620 except that those persons less than sixty years of age shall be considered as sixty.

(6) In order to qualify for retirement by reason of disability a teacher must suffer from a physical or mental condition of such a nature as to render him incapable of being gainfully employed as a teacher. Such incapability must be revealed by a

competent examination by a licensed physician or physicians and must be approved by the medical review board.

(7) A member retired by reason of disability shall be required to undergo periodic examinations at the discretion of the board of trustees to determine whether the disability allowance shall be continued. When examination and recommendation of the medical review board indicates the disability no longer exists, the allowance shall be discontinued.

(8) No payment of a disability benefit shall be made until ninety days after the application for disability retirement has been filed. *Payment, when made, shall be retroactive to the first of the month following receipt of the completed application for disability retirement.*

(9) No person who receives a disability allowance may serve as a teacher either within or without the State of Kentucky. So doing shall constitute a misdemeanor. The recipient of a disability allowance who engages in any gainful occupation other than teaching must make a report of the duties involved, compensation received and any other pertinent information required by the board of trustees. If the income from other employment plus the disability benefit exceed seventy-five percent of the last earned annual compensation, the benefit shall be reduced to an amount which with earned income will not exceed seventy-five percent of the last earned annual compensation. In no case shall the benefit be reduced to less than fifty dollars per month.

(10) The board of trustees shall designate a medical review board consisting of three licensed physicians and may designate physicians in various areas of the Commonwealth to conduct examinations as needed. The medical review board shall pass upon all applications for disability retirement and upon all statements, certifications, and examinations submitted in connection with such applications. The disposition of each case shall be recommended by the medical review board in writing to the board of trustees. Members of the medical review board shall follow such rules and regulations regarding procedures as the board of trustees may enact and shall be paid reasonable fees and expenses as authorized by the board of trustees in compliance with the provisions of KRS 161.330 and 161.340. The board

of trustees may secure such additional medical service and information as it deems necessary.

Section 2. The provisions of this Act shall become effective July 1, 1968.

**HB 365,** AN ACT relating to teachers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 161.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible to hold the position of superintendent, principal, teacher, supervisor, attendance officer, or other public school position for which certificates may be issued, or receive salary for services rendered in such position, unless he holds a *regular or emergency* certificate of legal qualifications for such poition. *No student shall be taken from a class in the common schools to do substitute teaching. Any school administrator who employs persons in violation of the provisions of this section shall have his certificate revoked.*

(2) No person shall enter upon the duties of a position requiring certification qualification until his certificate has been filed or credentials registered with the board of education employing him.

(3) The validity of any certificate or license in force on June 14, 1934 is not impaired by the provisions of KRS 161.020 to 161.120, and such certificate or license shall be reissued or renewed in accordance with the terms of the law applying at the date of issue.

Section 2. A new section of KRS Chapter 161 is created to read as follows:

Any substitute teacher shall be paid according to his rank as a teacher.

**HB 288,** AN ACT relating to teachers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 157.390 is amended to read:

(1) (a) The Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers in rank as follows:

Rank I. Those holding regular certificates and who have a master's degree and who have earned thirty semester hours of additional approved graduate work, and those teachers who, as of September 1, 1962, were included in Rank I, having earned twenty-four semester hours of additional approved graduate work.

Rank II. Those holding regular certificates and who have a master's degree or its equivalent.

Rank III. Those holding regular certificates and who have an approved four-year college degree or the equivalent.

Rank IV. Those holding certificates and who have ninety-six to one hundred twenty-eight semester hours of approved college training or the equivalent; provided, however, that persons holding emergency certificates shall not be classified higher than this rank for calculation of the amount to be included in the foundation program.

Rank V. Those holding certificates and who have sixty-four to ninety-five semeter hours of approved college training or the equivalent.

Rank VI. Those holding certificates and who have thirty-two to sixty-three semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1965, no teacher in Rank VI shall be included in calculating the amount to be included in the foundation program.

Rank VII. Those holding certificates and who have fewer than thirty-two semester hours of approved college training or the equivalent; provided, however, that effective July 1, 1964, no teacher in Rank VII shall be included in calculating the amount to be included in the foundation program.

*Rank VIII. Those holding life certificates on two years of college.*

(b) In determining ranks, the Superintendent of Public Instruction, under regulations of the State Board of Education, shall classify teachers who hold valid certificates in the respective ranks according to approved college semester hours of credit. The Superintendent of Public Instruction, in defining preparation for certain types of vocational teachers as equivalent to college training, shall give consideration to apprenticeship training and industrial experience.

(2) The amount to be included in the 1966-67 school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule for each rank:

| Rank | I | II | III | IV | V |
|---|---|---|---|---|---|
| Experience | | | | | |
| 0-3 Years | $5300 | $5000 | $4700 | | |
| 4-9 Years | 5550 | 5250 | 4950 | | |
| 10 Years & Over | 5650 | 5350 | 5050 | | |
| | | | | 2900 | |
| | | | | | 2600 |

Beginning with the school year 1967-68, the amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

| Rank | I | II | III | IV | V |
|---|---|---|---|---|---|
| Experience | | | | | |
| 0-3 Years | $5550 | $5250 | $4950 | | |
| 4-9 Years | 6050 | 5750 | 5450 | | |
| 10 Years & Over | 6200 | 5900 | 5600 | | |
| | | | | 2900 | |
| | | | | | 2600 |

*Beginning with the school year 1968-69, the amount to be included in the foundation program of a district for teachers'*

*salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:*

| *Rank* | *I* | *II* | *III* | *IV* | *V* | *VI* | *VII* | *VIII* |
|---|---|---|---|---|---|---|---|---|
| *Experience* | | | | | | | | |
| *0-3 Years* | *$7000* | *$6600* | *$6200* | *$4000* | *$3500* | *$3100* | *$2900* | *$5000* |
| *4-9 Years* | *7600* | *7000* | *6600* | *4300* | *3700* | *3200* | *2900* | *5300* |
| *10 Years* | | | | | | | | |
| *& Over* | *8000* | *7600* | *7000* | *4500* | *3800* | *3250* | *2900* | *5400* |

Provided, the amount to be included for vocational units, supervisory units, and units for administrators, directors of pupil personnel and special instructional services shall be increased proportionately if the personnel for such units are employed for longer than the regular school term and such employment is approved by the Superintendent of Public Instruction under regulations of the State Board of Education. Where the actual number of teachers employed by the district varies from the number allowed under the provisions of KRS 157.310 to 157.440, the number to be included in each rank shall be in the same ratio that the number of teachers actually in each rank is to the total number of teachers employed.

(3) The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by nine hundred dollars.

(4) The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by six hundred dollars.

(5) The amount to be included in the foundation program of each district for transportation shall be determined by multiplying the aggregate attendance of transported children by the allowable cost per pupil per day for that district determined in accordance with the provisions of KRS 157.370.

(6) The total cost of the foundation program for each district shall be the sum of the allotments in subsections (2), (3), (4), and (5) of this section.

Committee Amendment to **HB 288** is as follows:

Amend printed copy of House Bill 288 on page 4, line 9, by: inserting after the word "salaries" the following words: "for teachers in Rank 8"; and on page 4, line 9, by inserting after the word "be" the following words: "four thousand dollars."; and on page 4, line 9, by deleting the following words: "determined by multiplying the number of teach-"; and on page 4, lines 10 through 20, by deleting all of lines 10 through 20.

## Calendar

**HB 153, SB 84, HB 125, HB 401, HB 338, HB 358, HB 299, SB 19** and **HB 423** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Senate Message

Announcing passage of **HR 32, SB 14, SB 55, SB 171** and **SB 179.**

## Motions, Petitions, and Communications

**HR 71:** A RESOLUTION commending the University of Louisville basketball team.

WHEREAS, the University of Louisville "Fighting Cardinals" basketball team has, by defeating Wichita, won its second consecutive Missouri Valley Conference basketball championship; and

WHEREAS, Coach John Dromo, in his first year as head basketball coach, has led his team with skill and wisdom which reflects his own ability and experience; and

WHEREAS, as Missouri Valley Conference champions the "Fighting Cardinals" will carry the Cardinal banner into the National Collegiate Athletic Association regional playoffs;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

1. That the University of Louisville "Fighting Cardinals" be congratulated for once again becoming the "Champs" of the Missouri Valley Conference.

2. That a copy of this resolution be delivered to Coach Dromo that it may be carried by him throughout the NCAA tournament as a constant reminder to him and to his team that the people of Kentucky wish him and wish his team "good luck" in the coming tournament.

Representative R. L. Miller moved the adoption of **HR 71.** Agreed.

**HR 72,** by Representatives Cox, Wesley, Curlin, Hoe, Prather, Rickert, Johnson and Baker: A RESOLUTION requesting certain lobbyists to return to their respective places of residence and not visit the Legislature again for the purpose of lobbying, until they have improved their appearance by haircuts, shaves, and laundering of their clothes.

WHEREAS, House Bill 260 would provide for increasing the safety of motorcycle operators by requiring the wearing of protective helmets, and

WHEREAS, all groups visiting the Capitol for purposes of lobbying in this legislative session have presented a neat, clean appearance, and

WHEREAS, certain motorcycle enthusiasts have stationed themselves in the halls of the Capitol for the purpose of lobbying against the enactment of House Bill 260, and

WHEREAS, at least some of said enthusiasts have appeared in a disheveled condition, and wearing the military insignia of a now-defunct foreign power, and

WHEREAS, their poor appearance reflects unfavorably upon the vast majority of motorcycle enthusiasts in the Commonwealth, and

WHEREAS, the appearance of these motorcycle enthusiasts detracts from the dignity and decorum of the Legislature;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the motorcycle enthusiasts of disheveled appearance be directed to return to their respective places of residence, and further directed not to return for the purpose of lobbying until they have improved their appearance by having haircuts and shaves and by the laundering of their clothes.

Representative Cox moved the adoption of **HR 72.** Agreed.

**HR 73,** by Representative W. J. Reynolds: A RESOLUTION to adjourn the House of Representatives on Monday, February 26, 1968, in memory of Samuel D. Hawkins.

WHEREAS, Samuel D. Hawkins, distinguished Louisvillian and Kentuckian, has departed this earthly life; and

WHEREAS, this honorable gentleman gave to the Commonwealth one of her most dedicated public servants in the person of his daughter, the Honorable Thelma Stovall; and

WHEREAS, the House of Representatives deems it appropriate to express its great sorrow on the passing of Samuel D. Hawkins;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives adjourns on Monday, February 26, 1968, it does so in memory of Samuel D. Hawkins.

Representative W. J. Reynolds moved the adoption of **HR 73.** Agreed.

The following members requested that their names be added as co-sponsors of **HR 73.** Agreed.

Representatives Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Carroll, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F.

Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, James, Johnson, Jones, Justice, Keene, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley.

Representative W. J. Reynolds moved that the House recess for thirty minutes of Caucus and Senate hearing. Agreed.

At the appointed hour, the Speaker resumed the chair and called the House to order.

## Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1** with Committee Amendment attached thereto, **HB 112,** and **HB 170** with Committee Amendment attached thereto, be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 210,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Webster moved the adoption of the Committee Amendment to **HB 210.** Agreed.

On the roll call the vote was yeas 79—Akers, Allen, Arnett, Baker, Ballenger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, James, Johnson, Jones, Justice, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McNamara, Melton, Mershon, Clarence R.

Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wright. Nays 0.

**HB 210** as amended was passed and the title agreed to.

Representative Webster moved that the vote by which **HB 210** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **HB 324** be taken from Orders of the Day and placed upon its passage.

Representative Blandford moved that **HB 324** be recommitted to the Committee on Counties and Special Districts. Agreed.

Representative Morgan moved that consideration of **SB 126, SB 161, HB 343** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 201,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Ballenger moved the adoption of the Committee Substitute to **HB 201.** Agreed.

Representative Ballenger moved the adoption of the following Amendment to the Committee Substitute to **HB 201:**

Amend printed copy of Committee Substitute for House Bill 201 on page 4, line 4, by:

Adding after the word "least" the words "fifty-one percent of the parcels having at least"

Agreed.

On the roll call the vote was yeas 64—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Walter F. Davis, DeMarcus, Denham, Floyd, Halleck, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Johnson, Jones, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McGill, McNamara,

Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Pettit, Ray, W. J. Reynolds, Riddle, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Vanover, Wells, Wesley, Wheeler, White, Wright. Nays 4—Bowles, James, King, R. Reynolds.

**HB 201** as amended was passed and the title agreed to.

Representative Ballenger moved that the vote by which **HB 201** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Ball moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

**Introduction of Bills and Resolutions**

**HB 493,** by Representatives Ball, Pettit and Johnson: AN ACT relating to county children's bureaus.

**HR 74,** by Representatives Denham, Rickert and Prather: A RESOLUTION to adjourn the House of Representatives on Monday, February 26, 1968, in memory of Dr. John O. Faurest.

WHEREAS, Dr. John O. Faurest, distinguished dental practitioner and outstanding Kentuckian, departed from this earthly life on Wednesday, February 21, 1968; and

WHEREAS, no more outstanding example of devotion to the cause of one's fellows was anywhere to be found than in the person of this honorable gentleman; and

WHEREAS, the House of Representatives deems it appropriate to express its heartfelt sorrow at the passing of Dr. John O. Faurest;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That when the House of Representatives adjourn on Monday, February 26, 1968, it does so in memory of Dr. John O. Faurest.

Representative Denham moved the adoption of **HR 74.** Agreed.

**HR 75**, by Representatives Wright, Denham, Akers and Russell: A CONCURRENT RESOLUTION directing the Legislative Research Commission to make a study of school districts.

Representative Morgan moved that the House adjourn until 1:00 p.m., Tuesday, February 27, 1968.

On the roll call the vote was yeas 49—Allen, Baker, Blandford, Blume, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Dawhare, DeMarcus, Denham, Harper, Hinkle, Hoe, Holbrook, Hopkins, Johnson, Jones, Justice, Kessinger, Kidd, King, Lankford, Lawson, Louden, Maddox, May, McKinney, Mershon, Morgan, Prather, Rattliff, Ray, Richey, Rickert, Riddle, Russell, Sartin, Schmidt, Tobin, Walters, Wesley, Wheeler, White, Wolchik. Nays 3—Blythe, Greer, Siemens.

The motion to adjourn was adopted.

## TUESDAY, FEBRUARY 27, 1968

## FORTY-FIFTH LEGISLATIVE DAY

The House was called to order by Speaker Pro Tem McBrayer.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Clark, R. Reynolds and Siemens.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 26, 1968, be dispensed with and the same approved. Agreed.

### Senate Message

Announcing passage of **SB 124, SB 125, SB 163** and **SB 252.**

### Introduction of Bills and Resolutions

**HR 76,** by Representatives Morgan, Ball, Hampton and Clapp: A CONCURRENT RESOLUTION requesting and petitioning the Federal Home Loan Bank Board to reconsider its policy as applied to the Commonwealth of Kentucky and requesting Honorable John B. Breckinridge, the Attorney General of the Commonwealth of Kentucky, to protest the policy of the Federal Home Loan Bank Board in relation to the branching of Federal savings and loan associations.

**HR 77,** by Representatives Justice and Irick: A CONCURRENT RESOLUTION requesting study and construction by the Kentucky Department of Highways of a highway to the Pike County Community of Grapevine.

**HB 494,** by Representatives Hardin, Bruce, W. J. Reynolds, Murphy, Hoffman, McBrayer, Tobin, Rickert, Prather, Morgan, McGill, Hunt, Arnett, Hinkle, McNamara, Curlin, Pettit, Carroll,

Ray, R. Reynolds, Cox, Hopkins, Keene, Mitchell, Henry, Blume, Dawhare, Walters, Hampton, Clapp, Blandford, Maddox, Webster, Lassiter, Mershon, Saylor, Lankford, Massey, Brown, Allen, Denham, Wells, Alexander, May, James, Irick, Kidd, Justice, Siemens, King, Bleemel, C. R. Miller, Louden, Holbrook, Akers, Isler, and McCallum: AN ACT relating to budget and financial administration.

**HB 495,** by Representatives Morgan and Ball: AN ACT relating to the rehabilitation of patients with chronic abstructive pulmonary disease.

**HB 496,** by Representatives Morgan and Ball: AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the lapsing or insufficiency of former appropriations against which said claims were chargeable.

**HB 497,** by Representatives Harper, Hoe, Cruse, Arnett, Prather and Mershon: AN ACT relating to the manufacture, possession, sale, or use of bombs and explosive devices.

**HB 498,** by Representatives Harper, Hoe, Cruse, Arnett, Prather, Greer and Mershon: AN ACT relating to sabotage and dynamiting of public and other buildings and premises, prescribing the punishment therefor.

**HB 499,** by Representative Hopkins: AN ACT relating to meat inspection.

**HB 500,** by Representative DeMarcus: AN ACT relating to operator's licenses.

**HB 501,** by Representatives Keene, Keith and Blume: AN ACT relating to quarter horse racing.

**HB 502,** by Representative McBrayer: AN ACT relating to income tax.

**HB 503,** by Representatives Hunt, R. L. Miller, McGill, Dawhare, Akers and Blume: AN ACT providing for the licensing and regulation of insurers, property bondsmen or limited surety agents engaged in the bail bond business for profit.

**HB 504**, by Representatives Hunt, R. L. Miller, McGill, Dawhare, Akers and Blume: AN ACT relating to the interview of defendants held in custody.

**HB 505**, by Representative Hoe: AN ACT designed to insure close supervision and control of persons convicted of a felony in the period immediately following the person's release from official custody.

**HB 506**, by Representative White: AN ACT relating to elections.

**HB 507**, by Representative Blume: AN ACT relating to obscene matter.

**HB 508**, by Representative Blume: AN ACT relating to unemployment insurance.

## Report of Committees

The Committee on Rules reported **HB 169, HB 401, HB 423, HB 317, HB 315, HB 358, HB 342, HB 299, HR 50, HB 330, HB 333, HB 153, HB 360, HB 339, HB 338, HB 388, HB 398, SB 48, SB 81, SB 131, SB 123, SB 19, SB 106, SB 129** with Committee Amendment attached thereto, **SB 22** with Committee Amendment attached thereto and **SB 136** with Committee Substitute attached thereto, with the expression of opinion that the same should pass.

The Committee on Cities reported **HB 259** with Committee Amendment attached thereto, **HB 101, HB 104, HB 157, HB 410** and **HB 440** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 259**, AN ACT relating to city civil service.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 90.350 is amended to read as follows:

(1) The appointing authority shall make all civil service appointments, and the appointments shall be made only from

the lists of applicants certified to him by the civil service commission after examination. Appointments shall be made only by the selection of one of the three holding the highest averages in the particular class and grade wherein the vacancy exists, except as provided in subsection (6) of this section.

(2) Whenever it is imperative to fill a vacancy in classified civil service before the commission can certify a list of as many as three persons eligible for appointment after competitive examination, the appointing authority shall nominate a competent person from the same class or next lower rank to the commission for noncompetitive examination, and if certified by the commission as qualified after the noncompetitive examination he may be appointed provisionally to fill the vacancy until an appointment can be made after competitive examination. This provisional appointment shall continue only until a regular appointment can be made from the eligible list prepared by the commission, which eligible list shall be prepared within thirty days after a vacancy occurs in cities of the second class, or within ninety days after vacancy in cities of the third class.

(3) In case of great emergency and when no one upon the eligible list or by promotion from a lower rank is available, an appointment may be made by the appointing authority without examination, but in no case shall such appointment continue longer than thirty days in cities of the second class, or sixty days in cities of the third class, and in no case shall successive appointments be made of the same person, or other persons, to such vacancy.

(4) Temporary appointments made necessary by reason of illness or disability of regular employes shall continue only during such period of disability.

(5) The death of an employe shall not authorize an appointment without examination in cities of the second class.

(6) Whenever, from any cause, there shall be a vacancy in any of the classified services, the employe in said classification ranking next highest in seniority, if he chooses, shall succeed to and fill said vacancy, unless upon charges made *within thirty days* by the city that said employe is not qualified to fill said

vacancy, and after notice and upon trial to determine his qualifications in the same manner as is now required for the dismissal, suspension or reduction in grade or pay of an employe, it be established by the city that said employe has not the necessary qualifications to enable him to discharge the duties of the office or position in which the said vacancy occurs. Provided that in case of a vacancy in the classified service, where peculiar and exceptional qualifications of a particular professional or educational character are required, upon satisfactory evidence that for reasons stated in writing by the appointing authority, competitive examination in such case has failed to provide an eligible list; the commission may suspend the provisions requiring competitive examination under civil service.

(7) Where the service to be rendered by an appointee in the classified service is for a temporary period not to exceed thirty days in cities of the second class, or sixty days in cities of the third class, and the need of such service is imperative, the appointing authority may select for that temporary service any person on the list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position.

(8) No person shall be certified by the commission from an eligible list more than four times to the same appointing authority for the same or similar position.

Committee Amendment to **HB 259** is as follows:

Amend printed copy of House Bill 259 on page 2, line 14, by:

by deleting the word "thirty" and inserting in lieu thereof the word "sixty"

Page 2—Line 27

by deleting the words "by the city" and inserting in lieu thereof the words "by the appointing authority in legislative or official action"

**HB 101,** AN ACT relating to city police and fire departments.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 95.761 is amended to read:

(1) Any city of the fourth class which has now, or in which there may be hereafter established a regular police or fire department in the future, may by ordinance create a civil service commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments.

(2) A city of the fourth class is authorized to adopt the provisions of KRS 95.520 to 95.620 governing policemen and firemen pension fund, the same as a city of the third class.

(3) A city of the fourth class is authorized to adopt the provisions of KRS 90.300 to 90.420 governing civil service, the same as a city of the third class.

(4) The legislative body of the city of the fourth class after adoption of the provisions of KRS 95.520 to 95.620 relating to a policemen and firemen pension plan, or KRS 90.300 to 90.420 relating to civil service, may not revoke, rescind or repeal these adoptions.

(5) (a) *Any of* the following offices, positions, and places of employment, in the police and fire departments, *may be* [are] excluded from the classified service: The chief of police, assistant chief of police, chief of firemen and assistant chief of firemen.

(b) Any classified employe in either department who shall accept an appointment and qualify as chief of police, assistant chief of police, chief of firemen, or assistant chief of firemen, shall be deemed to have received a leave of absense from the classified service for, and during the incumbency of, any of said respective positions. Should any such chief or assistant chief, cease to serve as such, the same classification and rank which he had prior to said appointment shall be restored to him.

**HB 104,** AN ACT relating to pensions for police judges in second class cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 26.650 is amended to read:

City legislative bodies of cities of the second class may, by proper legislation, provide for pensions for police court judges, who after July 1, 1954, have become sixty years of age and have served as a regular police judge, including service prior to July 1, 1954, for a period of twenty years; or who after July 1, 1954, have become fifty-five years of age and have served as regular police judge, including service prior to July 1, 1954, for a period of twenty-four years. *The amount of the pension shall depend on the number of years of service as set forth in KRS 26.660.*

Section 2. KRS 26.660 is amended to read:

Police judges who are eligible for pension and retire from office, shall be paid out of the Police Judge Pension Fund, a pension [not to exceed the sum of twenty-four hundred dollars each year,] for life *in the following amounts: twenty years of service, two hundred dollars per month; twenty-four years of service, two hundred and fifty dollars per month; twenty-eight years of service, three hundred dollars per month; thirty-two years of service, three hundred and fifty dollars per month; thirty-four years of service or more, four hundred dollars per month.* If the pension legislation has been adopted by the city legislative bodies at the time of said retirement, it shall not be altered or changed during the time of the pension period of the retiring judge.

**HB 157,** AN ACT relating to license taxes in cities of the first class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 91.200 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any busi-

ness, trade, occupation or profession and the using, handling or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation or profession for revenue purposes may be imposed at a percentage rate [or rates] not to exceed those hereinafter set forth on (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, (all of such being hereinafter collectively referred to as "wages"), and (b) the net profits of all businesses, professions or occupations from activities conducted in the city (hereinafter collectively referred to as "net profits"). Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this State, or in *any* other case where the city is prohibited by statute from imposing a license tax.

(2) The rate [or rates] fixed *on both "wages" and "net profits" shall be one and one-fourth (1-¼%) percent.* [may be in accordance with either of the following plans:]

[(a) a rate on both "wages" and "net profits" of not to exceed one percent; or]

[(b) a rate on both "wages" and "net profits" of one and one-fourth percent.]

[Provided, however, that the authorization granted by this section with respect to plan (b) shall expire as of December 31, 1958; provided further that, prior to said expiration date, the board of aldermen may by ordinance impose a rate of one and one-fourth percent for an indeterminate period of time, but no such ordinance shall go into effect until the expiration of thirty days after its passage. If during the thirty days next following the passage of such ordinance, a petition signed by a number of constitutionally qualified voters equal to fifteen percent of the votes cast in the city at the last preceding general election, stating the residence of each signer, and verified as to signatures and residences by the affidavits of one or more persons is pre-

sented to the board of aldermen protesting against passage of such ordinance, the ordinance shall be suspended from going into effect and shall be reconsidered by the board of aldermen. If the ordinance is not then repealed, the board shall submit to the voters of the city, at a regularly scheduled election or at an election held for that purpose prior to January 1, 1959, the question as to whether a rate of one and one-fourth percent shall be levied. The question shall be so framed that the voter may by his vote answer "for" or "against." If a majority of the votes cast upon the question oppose its passage, the ordinance shall not go into effect. If a majority of the votes cast upon the question favors its passage the ordinance shall go into effect as of January 1, 1959.]

(3) License fees or taxes shall be collected by the commissioners of the sinking fund. The proceeds from such taxes shall be paid to the secretary and treasurer of the sinking fund until income from all sources of the sinking fund shall be sufficient to pay the cost of administration and the interest charges for the current fiscal year of the sinking fund in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables.

(4) Revenue remaining after meeting the foregoing requirements shall be transferred to the city. Such revenues shall be credited to the general fund of the city as received *and may be expended for general purposes or for capital improvements.* [until such receipts during the fiscal year of the city shall reach the sum of five million dollars. Any revenues in excess of said amount received during the fiscal year of the city shall be placed in an account designated "Special Capital Fund Account" and expended for capital improvements as hereinafter defined; provided, however, fifty percent of the revenues so deposited to such Special Capital Fund Account during each fiscal year (commencing with the fiscal year in which this section shall become effective), or any lesser amount remaining in said fund at the end of such fiscal year, may be transferred to the general fund of the city at the beginning of the succeeding fiscal year; provided further, that whenever the unencumbered balance remaining in said Special Capital Fund Account exceeds one mil-

lion dollars at the beginning of any fiscal year such excess may be transferred to the general fund of the city; provided, further, that funds from the Special Capital Fund Account may be encumbered for purposes other than capital improvements only after transfer to the general fund.]

(5) The term "capital improvements" as used in this section shall be limited to additions or improvements of a substantial and permanent nature and services rendered in connection therewith, and shall include but not be limited to (a) the purchase of right-of-ways for highways, expressways and the widening of existing streets, (b) the purchase of lands for park, recreational and other governmental facilities and for public off-street parking facilities, (c) the purchase, construction, reconstruction, renovation or remodeling of municipal buildings, and facilities, (d) the replacement of machinery, wires, pipes, structural members or fixtures and other essential portions of municipal buildings, (e) the initial equipment of any newly-acquired facility wherein any essential governmental function of the municipality may be located or carried on, (f) the purchase and installation of traffic control devices [,] *and* fire alarm equipment, [and expenditures pursuant to contracts for street and protective lighting service], (g) the reconstruction and resurfacing, but not routine maintenance, of streets and other public ways, (h) the acquisition of motorized equipment purchased as additions to, but not replacements for, existing equipment, and, (i) engineering and other costs incurred by the city in connection with the construction of public improvements financed under a special assessment plan or plans authorized in KRS Chapter 93.

(6) Ad valorem taxes for the benefit of the sinking fund shall not be levied unless the income of the sinking fund is otherwise insufficient to meet such requirements.

(7) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

Section 2. If any section, paragraph, clause or provision of this Act shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the remaining provisions.

Section 3. Whereas, cities of the first class are in immediate need of proper funding of the cities' general operations, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

**HB 410**, AN ACT changing the classification of the City of Villa Hills in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Villa Hills in Kenton County is such as to justify it being classified as a city of the fifth class.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

The City of Villa Hills in Kenton County, is transferred from the sixth to the fifth class of cities.

**HB 440**, AN ACT relating to third class city annexation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 81.190 is amended to read:

Any city of the third class may annex any territory to the city or reduce the boundaries of the city, in the same manner and under the same procedure as is provided in KRS 81.100 and 81.110 for annexation of unincorporated territory or reduction of boundaries by cities of the first class, with the following exceptions:

(1) If the mayor is absent, the summons issued on the petition filed in circuit court shall be served on the members of the city legislative body.

(2) The proceedings in the circuit court shall be tried according to the practice prescribed for the trial of equity cases, without the intervention of a jury.

[(3) There shall be no appeal from the judgment of the circuit court.]

The Committee on Counties and Special Districts reported **SB 79** and **HB 269** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 79,** AN ACT relating to the office of jailer.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 64.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Jailers shall be paid out of the county treasury, except as provided in subsection (2) of this section, the following fees for the following services:

Attending county and quarterly court per day not exceeding ---------- $6.00

Furnishing fuel and lights to county and quarterly court, except as provided in KRS 67.150, a reasonable compensation, not exceeding, per day ---------- $2.00

Putting a prisoner in irons, for an offense other than a felony or contempt besides the cost of irons ---------- $ .50

*Keeping and dieting prisoners in jail when confined for an offense other than a felony or contempt of court, per day ---------- $3.00*

[Keeping and dieting prisoners in jail, in counties not containing a first-class city, when confined for an offense other than felony or contempt of court, per day] ----------[$2.50]

[Keeping and dieting prisoners in jail, in counties containing a city of the first class, when confined for an offense other than a felony or contempt of court, per day]----------[$2.50]

Imprisoning and releasing a prisoner charged with a misdemeanor ---------- $ .75

(2) Where the prisoner is confined for a breach of the bylaws or ordinances of a city, or for a violation of a statute where the city gets the benefit of the fine, the fees for keeping and dieting the prisoner and for imprisoning and releasing him shall be paid by such city.

(3) Jailers shall be paid out of the State Treasury the following fees for the following services:

Imprisoning and releasing a prisoner charged with a felony or contempt ---------- $ .75

*Keeping and dieting a prisoner charged with a* felony or contempt, per day---------- $3.00

[Keeping and dieting a prisoner charged with a felony or contempt, in counties not containing a city of the first class, per day]----------[$2.50]

[Keeping and dieting a prisoner charged with a felony or contempt, in counties containing a city of the first class, per day]----------[$2.50]

Putting a prisoner charged with a felony or contempt in irons, to secure his safekeeping in the jail, besides the cost of the irons---------- $ .50

Each day's attendance upon th circuit court---------- $6.00

Furnishing fuel, light and water to the circuit court, not exceeding, per day---------- $2.00

Imprisoning and releasing a prisoner for violation of his probation or parole; provided, however, the state granting probation or parole has executed a compact with the Commonwealth in accordance with KRS 439.560. The fees shall be the same as those charged for felony and contempt.

(4) For all other services performed by the jailer, he shall receive the same fees paid to sheriffs for like service.

**HB. 269,** AN ACT amending certain provisions of KRS Chapter 262 relating to Soil and Water Conservation districts,

enlarging the functions of such districts, and providing for financial support of district programs.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 262.020 of the Kentucky Revised Statutes is amended to read as follows:

*The purpose of a soil and water conservation district is to conserve and develop all renewable natural resources within the district. In so doing, the district is authorized to undertake, sponsor, or participate in projects and activities which promote the conservation, development, maintenance and use of the land, water, trees and other renewable natural resources of the district. Such projects and activities shall include but not be limited to conservation practices on agricultural lands, the control of soil erosion, retardation of water run-off, the construction of flood prevention and control reservoirs, the maintenance of flood plains, the promotion of projects to assure an adequate municipal, industrial and agricultural supply of water, watershed stabilization, the avoidance and abatement of sedimentation and pollution in streams and other bodies of water, forestation and reforestation, the establishment of parks and outdoor recreation areas, the protection of open space, greenbelt areas and scenery, the preservation of wilderness ereas, the protection of fish and wildlife, working for the location of highways, industries, housing developments, airports and other structures as are consistent with the district objectives and will offer the least possible interference with the conservation and best multiple use of the renewable natural resources, and all other activities consistent with the total natural resources development of the district.*

Soil conservation shall include engineering operations such as the construction of terraces, terrace outlets, check-dams, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned or eroded lands to water conserving and erosion preventing plants, trees and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes and other thick-growing, soil-holding crops; retardation of runoff by increasing

absorption of rainfall and retirement from cultivation of steep, highly erosive areas and areas badly gullied or otherwise eroded.]

Section 2. Section 262.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) *The territory of a district shall include all lands lying within the boundaries of a district, except incorporated cities, unless such cities or parts thereof have been or are brought within the district in the manner provided in subsection (2) below.* [The boundaries of a district shall include the territory as determined by the committee but shall not include any area included within the boundaries of another district;]

(2) Petitions for including additional territory within an existing district may be filed with the commission, and the proceedings provided for by KRS 262.100 to 262.180 in the case of petitions to organize a district shall be observed as far as may be practicable in the case of petitions for inclusion. The *Commission* [Committee] shall prescribe the form for such petitions, which shall be as nearly as may be in the form prescribed by KRS 262.100 for petitions to organize a district. The Secretary of State shall receive the application for inclusion of the area within the district and shall attach such application to the original file containing the papers by which such district was organized. Where the total number of land owners in the area proposed for inclusion is less than twenty-five, the petition may be filed when signed by a majority of the land owners of the area, and in that case, no referendum need be held. In a referendum upon a petition for inclusion of additional territory, all owners of land lying within the proposed additional area shall be eligible to vote.

The Committee on Labor and Industry reported **HB 239** and **HB 168** with the expression of opinion that the same should not pass.

The Committee on Labor and Industry reported **HB 350** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 350,** AN ACT relating to plumbers and plumbing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 318.015 is amended to read as follows:

(1) This chapter applies and shall be in full force and effect in counties containing a city of the first, second, [or] third, *or fourth* class.

(2) The local board of health of any county including those counties not containing a city of the first, second, [or] third, *or fourth* class, may adopt the state plumbing code promulgated by the State Board of Health as a regulation for the county, including the reasonable schedule of fees and charges fixed by the State Board of Health as authorized by subsection (3) of KRS 318.134. After adoption of the state plumbing code by a local board of health, such code shall apply and be in full force and effect in such county and in all cities and towns therein.

(3) The state plumbing code promulgated by the board under the provisions of this chapter applies and shall be in full force and effect for all public buildings, regardless of location in the Commonwealth.

(4) This chapter shall not apply to farmsteads.

Section 2. KRS 318.020 is amended to read as follows:

(1) Nothing contained in the chapter shall be construed as prohibiting the employment of *an* apprentice[s] to assist *a* licensed master or *a* licensed journeyman plumber[s] in [their] *his* duties.

(2) This chapter shall not apply to anyone who is employed or acts as a maintenance man.

(3) This chapter shall not apply to persons employed by any water company, water district or sanitation district, in the laying, maintenance, and operation of its mains and other appurtenances in the conduct of its business.

(4) The provisions of this chapter relating to the licensure

of plumbers shall not apply to persons engaged in the practice of plumbing in counties other than those containing cities of the first, second, [or] third, *or fourth* class.

Section 3. KRS 318.030 is amended to read as follows:

No person shall engage in plumbing or engage in or work at the trade of plumbing in any county containing a city of the first, second, [or] third, *or fourth* class:

(1) Unless he is the holder of a valid and effective master plumber's license duly issued by the department in accordance with the provisions of this chapter; or

(2) Unless he is the holder of a valid and effective journeyman plumbers' license duly issued by the department in accordance with the provisions of this chapter.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Persons actively engaged in the practice of plumbing as a master plumber in this state for a period of not less than three years prior to the effective date of this section in a county or counties not heretofore subject to the provisions of Chapter 318 of the Kentucky Revised Statutes shall, upon furnishing adequate proof thereof to the department and upon payment of an application license fee of twenty-five dollars, be entitled to a master plumber's license without examination. Application for such a license shall be filed with the department not later than ninety days after the effective date of this Act, or not later than ninety days after the effective date a county becomes subject to the provisions of Chapter 318 of the Kentucky Revised Statutes.

(2) Persons actively engaged in the practice of plumbing as a journeyman plumber in this state for a period of not less than three years prior to the effective date of this Act, in a county or counties not heretofore subject to the provisions of Chapter 318 of the Kentucky Revised Statutes furnishing adequate proof thereof to the department and upon payment of an application license fee of ten dollars, be entitled to a journeyman plumber's license without examination. Application for

such a license shall be filed with the department not later than ninety days after the effective date of this Act, or not later than ninety days after the effective date a county becomes subject to the provision of Chapter 318 of the Kentucky Revised Statutes.

Section 5. KRS 318.090 is amended to read as follows:

(1) The department shall appoint and assign plumbing inspectors to each county subject to the provisions of this chapter and as provided in subsection (3) of this section.

(2) Each plumbing inspector shall have at least eight years experience as a journeyman or master plumber. At the time of his appointment he shall be licensed in accordance with the provisions of this chapter.

(3) In counties other than those containing cities of the first, second, [or] third, *or fourth* class in which the local board of health has adopted the state plumbing code by regulation for the county, the department shall assign plumbing inspectors to such county in consideration of the plumbing installation permit fees collected by the local health department.

Section 6. KRS 318.110 is amended to read as follows:

A company or individual principal may engage in the business of plumbing within a county containing a city of the first, second, [or] third, *or fourth* class if some person connected with such a company or individual principal in responsible charge of the plumbing work is a licensed master plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing business, shall notify the department at any time he commences or severs his connection with the company or individual principal.

Section 7. KRS 318.120 is amended to read as follows:

No person or corporation who assumes responsible charge and direction of other persons in the installation of plumbing and drainage in counties containing cities of the first, second, [or] third, *or fourth* class, shall employ or engage any person not licensed under this chapter to perform and install plumbing and drainage. Provided, however, that this section shall not be

deemed to prohibit the employment or use of *an* apprentice[s] as defined in this chapter.

Section 8. KRS 318.134 is amended to read as follows:

(1) In counties containing a city of the first, second, [or] third, *or fourth* class, and in counties in which the state plumbing code has been adopted by regulation of the local board of health, no person, firm or corporation shall:

(a) Construct, install, or alter, or cause to be constructed, installed, or altered, any plumbing without first having procured a plumbing installation permit therefor from the department;

(b) Use or continue to use, or permit the use or continued use of, any plumbing constructed, installed, or altered under a plumbing installation permit issued therefor where the department, through a duly authorized inspector, employe or agent, finds that the plumbing was not constructed, installed or altered in accordance with such permit and the Kentucky state plumbing code.

(2) All applications for plumbing installation permits shall be accompanied by plans and specifications of the proposed plumbing installation, location and contsruction of water supply system, type of sewage disposal, location of septic tank, drain field or pit to be used. No plumbing installation permit shall be issued until plans of the sewage disposal have been submitted to and approved by the department together with the results of an approved percolation test.

(3) The board shall fix a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto. The board shall also fix a reasonable schedule of fees and charges to be paid for necessary inspections of the construction, installation or alteration of plumbing in public buildings.

The Committee on Health and Welfare reported HB **352** and **HB 332** without expression of opinion.

The Committee on Health and Welfare reported **HB 272**

without expression of opinion because of question of constitutionality.

The Committee on Health and Welfare reported **HB 305** with the expression of opinion that the same should not pass.

## Calendar

**HB 288, HB 365, HB 413, HB 237, HB 351, HB 229, SB 214** and **HB 328** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Blume moved that **HB 267** be recommitted to the Committee on Highways and Traffic Safety. Agreed.

**HR 78,** by Representatives Henry, Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, J. Davis, W. F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, C. R. Miller, R. L. Miller, Mitchell, Murphy, Pettit, Prather, Rattliff, Ray, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, and Wright: A RESOLUTION congratulating the University of Kentucky basketball team.

WHEREAS, the University of Kentucky basketball team has convincingly proved itself one of the finest basketball teams in the country by winning twenty of twenty-four basketball games against capable and talented competition; and

WHEREAS, the University of Kentucky basketball team under the tutelage of Adolph Rupp has displayed a high degree of teamwork and a finely tuned shooting ability; and

WHEREAS, the University of Kentucky basketball team has now won the Southeastern Conference championship and is ranked fifth in the nation in wire service polls;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That this House extend its congratulations to the University of Kentucky basketball team and to Coach Adolph Rupp for a job well done, and that the Clerk of this House send a copy of this resolution to Coach Rupp.

Representative Henry moved the adoption of **HR 78.** Agreed.

Representative Murphy moved that **HB 234** be recommitted to the Committe on Business Organizations and Professions. Agreed.

## Orders of the Day

**HB 297** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Russell moved the adoption of the following Amendment No. 1 to **HB 297:**

Amend printed copy of House Bill 297 on page 4, line 20, by:

adding after the word "membership;" the following words: "nothing in this Act shall be construed to make mandatory the assignment of pupils to schools, or to require pupils or teachers to be transferred to schools by busing or other means, in order to overcome racial imbalance."

Agreed.

Representative Russell moved the adoption of the following Amendment No. 2 to **HB 297:**

Amend printed copy of House Bill 297 as follows:

Page 2, lines 2 and 3—delete the words, "in Jefferson County, Kentucky, by combining the"

Page 2, lines 3, 4, 5 and 6: delete the words, "Louisville Independent School District with the Jefferson County School District. Any other school districts now existing in Jefferson County, Kentucky, or which may hereafter exist in Jefferson County, Kentucky", and substitute "in each county having more than one school district, one of which is embraced by a city of the first class, by combining the school district embraced by the city of the first class with the county school district". "Any other school district now existing in said county". . .

Page 3, lines 5, 6 and 7: delete the words, "City of Louisville, Kentucky, and one from the area of Jefferson County, Kentucky, outside the boundaries of the City of Louisville, Kentucky", and substitute "city of the first class and one from the area of the county outside the boundaries of the city of the first class".

Page 3, lines 23, 24 and 25: delete the words, "City of Louisville, Kentucky, and one from the area of Jefferson County, Kentucky, outside the boundaries of the City of Louisville, Kentucky", and substitute "city of the first class and one from the area of the county outside the boundaries of the city of the first class".

Page 6, lines 22 and 23: delete the words, "Jefferson County, Kentucky School District and the Louisville Independent School District" and substitute "school district embraced by a city of the first class and the county school district".

Page 7, line 15: delete the word, "present".

Page 9, lines 22, 23 and 24: delete the words "Board of Education of Louisville, Kentucky and the Board of Education of Jefferson County, Kentucky", and substitute "school district embraced by a city of the first class and the county school district".

Page 9, line 25: delete the words, "The Anchorage School District", and substitute "any other school districts in the county having more than one school district, one of which is embraced by a city of the first class".

Page 10, lines 1 and 2: delete the words, "Board of Education of Louisville, Kentucky and Board of Education of Jefferson County, Kentucky", and substitute "Board of Education of

the school district embraced by the city of the first class and the Board of Education of the county school district".

Page 10, lines 27 and 28 and page 11, line 1: delete the words, "Board of Education of Louisville, Kentucky, and the Board of Education of Jefferson County, Kentucky", and substitute "Board of Education of the school district embraced by the city of the first class and the Board of Education of the county school district".

Page 11, line 5: delete the word, "presently".

Page 11, lines 10 and 12: delete the words, "Jefferson County, Kentucky School District" and "Louisville Independent School District", and substitute "county school district" and the "school district embraced by the city of the first class".

Page 11, lines 17 and 18: delete the words, "Board of Education of Jefferson County, Kentucky and the Board of Education of Louisville, Kentucky", and substitute "Board of Education of the county school district and the Board of Education of the school district embraced in the city of the first class".

Page 12, line 8: delete the word, "present".

Agreed.

Speaker Pro Tem McBrayer vacated the Chair.

Speaker Carroll presiding.

Representative Blume moved the Previous Question on **HB 297.**

On the roll call the vote was yeas 36—Akers, Bamberger, Bleemel, Blume, Blythe, Cox, Cruse, Curlin, Hampton, Hoffman, Hopkins, Hunt, Isler, Justice, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, Mershon, Clarence R. Miller, Mitchell, Pettit, Ray, W. J. Reynolds, Rickert, Russell, Schmidt, Tobin, Webster, Wesley. Nays 29—Ball, Ballenger, Bruce, J. A. Davis, W. F. Davis, Dawhare, Denham, Floyd, Harper, Hoe, Huff, James, Jones, Keith, Kessinger, King, McKinney, Melton, R. L. Miller, Peace, Rattliff, Richey, Riddle, Sartin, Simmons, Stuart, Vanover, Wells, Wooley.

The motion on the Previous Question on **HB 297** was rejected.

Representative Riddle moved the adoption of the following Amendment No. 3 to **HB 297:**

Amend printed copy of House Bill 297 on page 5, line 22, by: striking the words "a competent educator"

and on page 5, lines 23 through 25, by striking the words "His qualifications shall comport with standards prescribed by the Kentucky Department of Education for Superintendents of school districts."

Amend printed copy of House Bill 297 on page 12, line 26, by: adding the following new section:

Section 7. None of the provisions of this Act shall be effective until it has been approved by a majority vote of the electorate of each school district affected. At the general November election of 1968 the Fiscal Court shall submit to the voters of the county the question as to whether the provisions of this Act shall become effective by placing on the ballot a question so framed that the voter may by his vote answer "for" or "against". If a majority of the votes cast upon the question oppose its passage, this Act shall not go into effect in the county. If a majority of the votes cast upon the question favor its passage, this Act shall be in full force and effect in the county.

On the roll call the vote was yeas 40—Arnett, Ball, Bruce, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, James, Jones, Keith, Kessinger, McKinney, McNamara, Melton, Robert L. Miller, Peace, Rattliff, Richey, Riddle, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley. Nays 40—Akers, Baker, Bamberger, Bleemel, Blume, Blythe, Brown, Carroll, Cox, Cruse, Curlin, Hampton, Hoffman, Hunt, Isler, Johnson, Justice, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, McBrayer, McCallum, McGill, Mershon, C. R. Miller, Mitchell, Morgan, Pettit, Ray, W. J. Reynolds, Rickert, Russell, Siemens, Tobin, Walters, Wesley.

The motion to adopt Amendment No. 3 to **HB 297** was rejected.

Representative King moved that the Rules be suspended in order that he may vote on the adoption of Amendment No. 3 to **HB 297**, the Rules of the House of Representatives notwithstanding.

On the roll call the vote was yeas 49—Alexander, Arnett, Ball, Bamberger, Brown, Bruce, Clark, Coffey, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Jones, Keith, Kessinger, King, Maddox, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Murphy, Prather, Rattliff, Richey, Riddle, Sartin, Saylor, Schmidt, Simmons, Smith, Vanover, Wells, Wheeler, Wooley. Nays 19—Akers, Baker, Ballenger, Blume, Cruse, Greer, Hampton, Johnson, Kidd, Lankford, Louden, McGill, Peace, Pettit, Ray, Russell, Stuart, Walters, White.

Representative King's motion that the Rules be suspended was rejected.

Representative Wright moved that **HB 297** be recommitted to the Committee on Education.

On the roll call the vote was yeas 28—Ball, Bruce, Clark, Walter F. Davis, DeMarcus, Floyd, Hardin, Harper, Hoe, Holbrook, James, Jones, Keith, Kessinger, King, McKinney, Melton, Clarence R. Miller, Robert L. Miller, Rattliff, Riddle, Sartin, Schmidt, Smith, Vanover, Webster, Wheeler, Wright. Nays 40—Akers, Baker, Ballenger, Bamberger, Bleemel, Blume, Blythe, Cox, Cruse, Curlin, Greer, Hampton, Hoffman, Hopkins, Hunt, Isler, Johnson, Keene, Kidd, Lankford, Lassiter, Lawson, Louden, McCallum, McGill, Mershon, Morgan, Murphy, Pettit, Ray, W. J. Reynolds, Rickert, Russell, Siemens, Simmons, Tobin, Walters, Wells, Wesley, Wooley.

The motion that **HB 297** be recommitted to the Committee on Education was rejected.

Representative R. Miller moved the adoption of the following Amendment No. 4 to **HB 297**:

Amend printed copy of House Bill 297 on pages 7 and 8:
On page 7 by striking line 21.

and on page 8, lines 25 and 26 by striking the words "appointed by the Board of Education of the District in accordance with KRS 160.350." and inserting in lieu thereof the following: "elected in the same manner as school board members."

Representative R. Miller moved that Amendment No. 4 to **HB 297** be tabled.

On the roll call the vote was yeas 17—Bamberger, Clark, Walter F. Davis, DeMarcus, Harper, Hoe, Jones, Keith, King, Melton, Robert L. Miller, Peace, Richey, Sartin, Schmidt, Tobin, Webster. Nays 39—Akers, Alexander, Baker, Ballenger, Blandford, Bleemel, Blume, Blythe, Cox, Cruse, Curlin, Greer, Hampton, Hardin, Hoffman, Hunt, Isler, Johnson, Keene, Kidd, Lankford, Lawson, Louden, Massey, McCallum, McGill, Mershon, C. R. Miller, Morgan, Pettit, Ray, W. J. Reynolds, Russell, Siemens, Stuart, Walters, Wells, Wesley, White.

The motion that Amendment No. 4 to **HB 297** be tabled was rejected.

Representative R. Miller moved the adoption of Amendment No. 4 to **HB 297.** Defeated.

Representative R. Miller moved that the House recess for twenty minutes. Defeated.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 120, HB 8, HB 116, HB 124, HB 133, HB 20, HB 118, HB 115, HB 207, HB 61** and **HR 32** had been examined and found correctly enrolled. **SB 120, HB 8, HB 116, HB 124, HB 133, HB 20, HB 118, HB 115, HB 207, HB 61** and **HR 32** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (Cont.)

On the roll call the vote was yeas 42—Akers, Alexander, Baker, Ballenger, Bleemel, Blume, Blythe, Carroll, Cox, Cruse,

Curlin, Greer, Hampton, Hardin, Hoffman, Hunt, Irick, Isler, Justice, Keene, Kidd, Lankford, Lassiter, Lawson, Massey, McBrayer, McCallum, McGill, Mershon, Clarence R. Miller, Mitchell, Morgan, Pettit, W. J. Reynolds, Rickert, Russell, Saylor, Siemens, Stuart, Walters, Webster, Wesley. Nays 27—Ball, Bamberger, W. F. Davis, Floyd, Harper, Hoe, Hopkins, James, Jones, Keith, Kessinger, King, May, Melton, R. L. Miller, Murphy, Peace, Rattliff, Richey, Riddle, Sartin, Simmons, Smith, Tobin, Vanover, White, Wooley.

**HB 297** as amended was passed and the title agreed to.

Representative Russell moved that the vote by which **HB 297** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HR 33, HB 1, HB 112, HB 170** and **SB 126** be deferred and that they retain their positions in Orders of the Day. Agreed.

**SB 161** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, W. J. Reynolds, Richey, Rickert, Russell, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Jones.

**SB 161** was passed and the title agreed to.

Representative Cox moved that the vote by which **SB 161** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 343** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Cruse, Curlin, James A. Davis, Dawhare, Denham, Floyd, Greer, Hardin, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Simmons, Tobin, Vanover, Walters, Webster, Wells, White, Wooley. Nays 0.

**HB 343** was passed and the title agreed to.

Representative Clapp moved that the vote by which **HB 343** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 169** taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved the adoption of the following Amendment to **HB 169:**

Amend printed copy of House Bill 169 on page 1, line 2 by: inserting after the word "school" the following words: "in the Commonwealth of Kentucky".

and on page 2, line 2, by striking the word "Non-resident".

and on page 2, lines 10 to 12, by striking the words "In computing qualifying time for an elective office the applicant shall be a practicing attorney from the date of graduation from a recognized law school."

and on page 2, by adding the following section: "Section 4. This Act shall not be construed to apply to any person who graduated from a law school prior to January 1, 1964."

and on page 2, by adding the following section: "Section 5. KRS 30.030 is amended to read as follows: The Court of Appeals of Kentucky shall make such rules and regulations as it deems proper regulating the admission of persons to practice law in this state, including, among other things, regulations as to qualifications, application and license fees, and examinations, *not inconsistent with the provisions of this Act.* [The full and complete power and authority of the Court of Appeals to make such rules and regulations and to change and amend the same from time to time is hereby recognized and confirmed.]"

Representative Keene moved that the Amendment to **HB 169** be laid on the table.

On the roll call the vote was yeas 34—Alexander, Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Carroll, Clapp, Cox, Curlin, Denham, Greer, Hampton, Hardin, Harper, Hoffman, Hunt, Johnson, Keene, King, Massey, McGill, Mitchell, Murphy, Pettit, W. J. Reynolds, Rickert, Russell, Tobin, Walters, Wesley, Wooley. Nays 32—Allen, Ball, Bowles, Bruce, Clark, Coffey, J. A. Davis, Dawhare, Floyd, Hinkle, Huff, Isler, James, Jones, Lankford, Lassiter, Louden, May, McBrayer, Melton, R. L. Miller, Peace, Rattliff, Ray, Richey, Sartin, Saylor, Simmons, Smith, Stuart, Webster, White.

The Amendment to **HB 169** was tabled.

**HB 401** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Mitchell moved the adoption of the following amendment to **HB 401:**

Amend printed copy of House Bill 401 on page 1, line 7, by: striking the period at the end of the line, inserting a comma and adding: "Henry County and Shelby County."

Representative Mitchell moved that the Amendment to **HB 401** be laid on the table.

On the roll call the vote was yeas 4—Ballenger, Mitchell, Walters, Wesley. Nays 51—Allen, Arnett, Baker, Ball, Bamberger,

Blandford, Bleemel, Blume, Bowles, Bruce, Clark, Cox, Cruse, W. F. Davis, Floyd, Hardin, Harper, Hinkle, Holbrook, Isler, James, Johnson, Jones, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McKinney, Mershon, C. R. Miller, R. L. Miller, Morgan, Murphy, Rattliff, Ray, W. J. Reynolds, Richey, Saylor, Schmidt, Simmons, Smith, Webster, White, Wolchik, Wooley, Wright.

The motion that the Amendment to **HB 401** be laid on the table was rejected.

Representative Mitchell moved the adoption of the Amendment to **HB 401.**

On the roll call the vote was yeas 11—Blythe, Curlin, Walter F. Davis, James, Johnson, Keene, Kessinger, King, Mitchell, Sartin, Wells. Nays 37—Arnett, Ball, Ballenger, Bamberger, Blandford, Bleemel, Bowles, Bruce, Clapp, Clark, Cruse, Hardin, Hinkle, Holbrook, Isler, Jones, Lankford, Lassiter, Lawson, Louden, Maddox, McKinney, C. R. Miller, R. L. Miller, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Richey, Saylor, Simmons, Webster, Wolchik, Wooley, Wright.

The motion to adopt Amendment to **HB 401** was rejected.

On the roll call the vote was yeas 70—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Floyd, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Holbrook, Hopkins, Isler, James, Johnson, Jones, Justice, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Peace, Rattliff, Ray, W. J. Reynolds, Richey, Sartin, Saylor, Schmidt, Simmons, Smith, Vanover, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 6—Ballenger, Mitchell, Pettit, Rickert, Walters, Wesley.

**HB 401** was passed and the title agreed to.

Representative Louden moved that the vote by which **HB 401** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 317** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clark, Cox, Cruse, Curlin, James A. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Robert L. Miller, Murphy, Peace, Pettit, Rattliff, Ray, Richey, Rickert, Sartin, Saylor, Schmidt, Simmons, Smith, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

**HB 317** was passed and the title agreed to.

Representative Bruce moved that the vote by which **HB 317** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 342** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 78—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Rattliff, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 342** was passed and the title agreed to.

Representative Rattliff moved that the vote by which **HB 342** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 299** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was, yeas 77—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Cox, Cruse, James A. Davis, Walter F. Davis, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Johnson, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, McBrayer, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, W. J. Reynolds, Richey, Rickert, Russell, Sartin, Saylor, Schmidt, Simmons, Smith, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 299** was passed and the title agreed to.

Representative Cruse moved that the vote by which **HB 299** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 423** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McNamara, Mershon, Clarence R. Miller, Robert

L. Miller, Mitchell, Morgan, Murphy, Pettit, Rattliff, Ray, W. J. Reynolds, Rickert, Russell, Sartin, Saylor, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 2—Richey, Simmons.

**HB 423** was passed and the title agreed to.

Representative McCallum moved that the vote by which **HB 423** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 315** and **HB 358** be deferred and that they retain their positions in Orders of the Day. Agreed.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Transferred from State Government to Judiciary: **HB 425, HB 426, HB 427, HB 428, HB 429, HB 430, HB 431, HB 432, HB 433, HB 434, HB 435, HB 436, HB 437, HB 438, HB 444.**

Agriculture and Natural Resources: **HB 499.**

Appropriations and Revenue: **HB 487, HB 496, HB 502.**

Banking and Insurance: **SB 179.**

Business Organizations and Professions: **HB 501.**

Cities: **HB 489, HB 491, HB 492.**

Counties and Special Districts: **HB 493.**

Education: **HR 70, HR 75.**

Elections and Constitutional Amendments: **HB 506.**

Health and Welfare: **HB 495, HB 505.**

Highways and Traffic Safety: **SB 252, HR 77.**

Judiciary: **HB 490, HB 503, HB 504, SB 14, SB 55, SB 163.**

Labor and Industry: **HB 508, SB 171.**

Public Utilities and Transportation: **HB 488, HB 500.**

State Government: **HB 494, HB 497, HB 498, HB 507, HR 76, SB 124, SB 125.**

Representative Morgan moved that the House adjourn until 1:00 p.m., Wednesday, February 28, 1968.

On the roll call the vote was yeas 38—Alexander, Allen, Arnett, Baker, Bruce, Clapp, Cox, James A. Davis, Dawhare, Denham, Greer, Harper, Hinkle, Hopkins, Irick, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McNamara, Morgan, Rattliff, Ray, Richey, Rickert, Russell, Sartin, Schmidt, White, Wolchik. Nays 2—Blythe, Halleck.

The motion to adjourn was adopted.

## WEDNESDAY, FEBRUARY 28, 1968

## FORTY-SIXTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representative Prather.

Representative Lankford moved that absent members be granted leave of absence.

Representative McNamara moved that the reading of the Journal of February 27, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 79,** by Representative Hoe: A CONCURRENT RESOLUTION recognizing the 200th Anniversary of the first crossing of Cumberland Gap.

**HR 80,** by Representatives Murphy, Schmidt and Bamberger: A RESOLUTION inviting Francis J. Beaton, National Commander, Disabled American Veterans, to address the House of Representatives.

**HR 81,** by Representative Carroll: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the relationship of the General Assembly to the various news media covering its activities.

**HB 509,** by Representative Brown: AN ACT relating to a state archaeology program.

**HB 510,** by Representatives White, McKinney and Simmons: AN ACT relating to auto license plates.

**HB 511,** by Representative McCallum: AN ACT relating to the state Board of Elections and declaring an emergency.

**HB 512,** by Representative McCallum: AN ACT relating to elections.

**HB 513,** by Representative Blythe: AN ACT relating to municipal improvements.

**HB 514,** by Representative Blythe: AN ACT relating to sanitation districts.

**HB 515,** by Representatives Stuart, Blume, Russell, Siemens, Vanover, Kidd, Cruse, R. L. Miller and Wright: AN ACT relating to city and county recreational, tourist and convention commissions.

**HB 516,** by Representative Hinkle: AN ACT relating to the rehabilitation of the handicapped.

**HB 517,** by Representative Morgan: AN ACT relating to the State Police Retirement System.

**HB 518,** by Representatives Blume and Kidd: AN ACT relating to plumbers and plumbing.

**HB 519,** by Representatives Maddox and Dawhare: AN ACT relating to income tax.

**HB 520,** by Representative Greer: AN ACT relating to tax bills.

**HB 521,** by Representative Greer: AN ACT relating to payment of taxes.

**HB 522,** by Representative Hinkle: AN ACT relating to the Department of Education of the Commonwealth of Kentucky.

**HB 523,** by Representatives McKinney, Bowles, Allen, May and Johnson: AN ACT relating to school board members.

**HB 524,** by Representative Blume: AN ACT relating to the State Racing Commission.

**HB 525,** by Representative Keene: AN ACT relating to food products containing no dairy ingredient made in semblance of milk and milk products.

**HB 526,** by Representatives Ray and McKinney: AN ACT providing for the recovery of damage for loss of consortium.

## Report of Committees

The Committee on Business Organizations and Professions reported **HB 198**, with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 198**, AN ACT to improve the quality of education by establishing mutually agreeable relations between boards of education and professional associations representing certificated personnel.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is the purpose of this Act to improve the quality of education within school systems in the Commonwealth of Kentucky through guaranteeing to professional associations representing certificated school personnel the right of professional negotiation with boards of education in the formulation of school policy that affects the professional staff and the children they teach.

Section 2. As used in this Act unless the context requires otherwise:

(1) "Board" means the board of education of a school district as defined in KRS 160.160.

(2) "Certificated person" or "certificated personnel" means those persons, other than temporary substitutes, holding certificates referred to in KRS 161.020 through 161.120 who are below the rank of superintendent of schools and employed by the board.

(3) "Association" means an organization composed of certificated personnel and other persons interested in the advancement of education which does not exclude certificated personnel from its membership because of duty assignment, job description, or position in the school district.

(4) "Members" or "membership" means only those persons belonging to an association who are certificated personnel.

(5) "Administrator" means a certificated person who holds a position requiring a certificate referred to in State Board of Education certification regulations as a "School Leader" or "School Business Administrator" certificate.

(6) "Teacher" means all certificated personnel who are not administrators.

(7) "Administrator unit" means a section or department of an association that has been recognized pursuant to Section 3 of this Act, the members of such section or department being all administrators.

(8) "Teacher unit" means a section or department of an association that has been recognized pursuant to Section 3 of this Act, the members of such section or department being all teachers.

(9) "Professional negotiation" or "negotiation" means a process, established through a set of procedures written and officially adopted by an association and a board, that provides an orderly method for the board and the association to negotiate, through professional channels, on matters of mutual concern, to reach agreement on such matters, and to make use of educational channels for mediation and appeal in the event of impasse.

Section 3. (1) On or after the effective date of this Act in each school district where at least one association exists, the board shall accept a written request for recognition from any association in the district as the representative of certificated personnel in the district for purposes of professional negotiation.

(2) Associations seeking recognition by the board must submit as a part of the written request for recognition an affidavit stating:

(a) That the request is on behalf of the membership of the association.

(b) That to the best of its knowledge and belief, the association represents a majority of the certificated personnel in the school district.

(c) The total number of members of the association,

(d) That the total number of members claimed are in good standing with the association.

(e) That the members in good standing voted to determine whether or not the association should request the board to recognize the association as the exclusive representative of the members for purposes of professional negotiation.

(f) That the results of the vote indicated clearly that a majority of the members were in favor of being exclusively represented by the association for purposes of professional negotiation.

(3) Upon receipt of a request for recognition the board shall notify the chief elected officer of each association in the school district of the request and shall grant such associations the right to challenge any request prior to recognition of an association by the board. Challenges must be submitted within fifteen days from receipt of notice from the board. A challenge must be in the form of a request for recognition as set forth in subsection (2) and (7) of this section.

(4) If the board receives only one request for recognition, the board shall, at a time no later than its next regular meeting, issue a written statement of recognition to the association, establishing such association as the exclusive representative of the certificated personnel in the school district for purposes of professional negotiation.

(5) If the board receives more than one request for recognition, it shall compare the combined membership of the requesting associations, as such membership figures appear in the affidavit accompanying the requests for recognition, with the total number of certificated personnel employed in the district. If the combined membership figure is equal to or less than the total number of certificated personnel employed in the district, the board shall determine from the aforesaid affidavits which association represents a majority. The board shall, at a time no later than its next regular meeting, issue a written statement of recognition to the majority association recognizing it as the exclusive representative of the certificated personnel for purposes of professional negotiation.

(6) If the board receives more than one request for recognition of an association as representative of all certificated personnel and if, upon comparing membership figures with certificated personnel figures as in subsection (5) of this section, it is determined that the membership figures are greater than the number of certificated personnel employed in the district, then the board shall require verification of such membership figures by the Superintendent of Public Instruction. Upon receipt of the verified membership figures, the board shall determine the majority association and at a time no later than its next regular meeting issue a statement of recognition as in subsection (5) of this section.

(7) Administrators and teachers shall negotiate through a single association unless separate negotiating rights are desired. If separate negotiating rights are desired, administrator units or teacher units may be organized within the structure of the association. Such units shall notify the chief elected officer of the association that separate negotiating rights are desired before the association submits its request for recognition to the board. The association shall in such event include in its request for recognition a statement informing the board that an administrator unit, or teacher unit, or both shall require separate negotiating rights and that the basis for separate negotiating rights is a majority vote of members of the appropriate unit.

(8) If the board correctly determines that a majority association does not exist, the requesting associations shall be so notified. In all cases of computing whether or not there is a majority, the figures claimed in the requesting affidavits shall be presumed correct. In subsection (6) of this section the verified figures shall be presumed correct.

Section 4. (1) When verification of membership and desired representation are required in a case arising under subsection (6) of Section 3 of this Act, the board shall so notify the appropriate associations. The board also shall notify the Superintendent of Public Instruction that verification is required and advise him of the associations involved. The board shall determine the need for verification under subsection (6) of Section 3 of this Act, and notify the associations involved and the Super-

intendent of Public Instruction no later than eighteen days from the time that all the requests for recognition have been received. The associations shall, if they still desire to be considered for recognition, prepare signature cards that shall be completed by each of their members. Said cards shall contain the following information:

(a) Full name.

(b) Address.

(c) Employer school district.

(d) Position held.

(e) Certificate number and type.

(f) A statement as to whether or not the member desires to be represented in professional negotiation by one of the associations requesting recognition or whether the member desires to abstain from designating an association.

(g) A statement that the person is a member of the association he designates.

(h) Signature.

(2) The associations shall instruct each member to fill out a card and seal the card in a blank envelope. All cards shall then be forwarded to the Superintendent of Public Instruction by the chief elected officer of each association so that membership and desired representation may be verified. Such process shall be accomplished within thirty days from the time of notification by the board as stated in subsection (1) of this section. Upon receipt of the cards from the appropriate associations, the Superintendent of Public Instruction shall cause said verification to be accomplished in the following manner:

(a) Cast out the cards for persons who are not properly certificated as defined in subsection (2) of Section 2 of this Act.

(b) Cast out the cards for persons who are not employed in the school district involved.

(c) Cast out the cards for persons who request representation by more than one of the competing associations.

(d) Cast out the unsigned cards, regardless of what has been marked.

(e) Count the remaining cards.

(f) Prepare a tabulation showing the vote from the counted cards and the total number of uncounted cards for each category described herein.

The Superintendent of Public Instruction shall within thirty days from the time the cards are received from all associations seeking verification send a written report of his findings to the board and to the associations involved.

(3) The information contained on cards furnished to the Superintendent of Public Instruction under subsection (1) of this section shall be considered confidential and shall not be released to associations or boards or other persons except as required in this Act.

Section 5. (1) A board's recognition of an association for purposes of professional negotiation shall be for a period of three years. An association may request renewal of recognition within thirty days before termination of the existing recognition agreement or within a period of thirty days thereafter. Upon receipt of said request for renewal, the board shall notify all other associations within the district as in subsection (3) of section 3 of this Act. If a request for renewal of recognition is submitted, it shall include as a part thereof an affidavit containing the same information as required by subsections (2) and (7) of Section 3 of this Act. If no challenges to the request for renewal are received by the board, the board shall at a time no later than its next regular meeting issue a written statement of recognition. If the request for renewal is challenged, the board shall issue a written statement of recognition to be operative as a continuation of the expired period until it is determined under the processes set forth in this Act that:

(a) The association is entitled to continued recognition;

(b) Another association is entitled to recognition;

(c) No association is entitled to recognition.

(2) Thereupon, the board shall issue a three-year statement

of recognition to the proper association or cancel existing statements of recognition as the case may require, or both.

Section 6. (1) The board and the association recognized as the representative of certified personnel in the district shall jointly develop a written procedure outlining the negotiation process within thirty days from the date of recognition unless an extension of said thirty days is agreed upon by both parties. If no agreement on such procedure is reached within the time limits set forth herein, an impasse shall be presumed to exist, and the procedure for resolving an impasse as outlined in Section 1 of this Act shall be employed.

(2) The association and board shall appoint negotiating teams for purposes of meeting and negotiating matters of mutual concern. The superintendent of schools shall participate in negotiations as a source of information for both the board and the association.

(3) The superintendent of schools shall comply with all reasonable requests from negotiating teams for records and information relating to subjects under negotiation and proposed subjects of negotiations. Records and information supplied to one of the negotiating teams shall also be supplied to the other.

(4) Agreements between the recognized association and the board that have been reached either through established administrative channels or through negotiation shall be in written form and subscribed to by the duly authorized representatives of the board and the association.

Section 7. (1) The recognized association and the board shall have the right to meet, confer and negotiate with each other, concerning policies relating to but not limited to such matters as curriculum, in-service training, grievance procedures, personnel policies, salaries and salary schedules, employe benefits, working conditions, and mutually agreed upon matters which affect the quality of the educational program.

(2) The association and the board shall, at all times, deal with each other openly, fairly, and in good faith. A sincere effort

shall be made by both parties to overcome obstacles to agreement in the negotiation process.

Section 8. (1) Professional negotiation in a school district shall occur when the recognized association or the board requests negotiations. Such negotiation shall be completed within ninety days of the original request for negotiations to commence or by a date agreed to by the recognized association and the board, but where fiscal matters are concerned in no event later than a legally-established date for the adoption of the district budget. If agreement upon the matter being negotiated has not been reached by the date required, an impasse shall be presumed to exist, and the procedure for resolving an impasse as outlined in Section 1 of this Act shall be employed.

(2) Once a matter has been negotiated that same matter shall not be subject to negotiation for a period of twelve months from the date negotiation commenced. However, both parties may mutually agree to reopen negotiations on any matter at any time.

Section 9. (1) If an impasse exists in any stage of professional negotiation, the following procedure for resolution of the impasse shall be employed: Within seven days the board and the recognized association shall agree upon and appoint an advisor to investigate, to make findings of fact, and to recommend a solution. If at the termination of the above-mentioned time period an advisor cannot be agreed upon and appointed, the board or the recognized association shall immediately notify the Superintendent of Public Instruction, who within ten days of receipt of said notification shall appoint an advisor. Said advisor shall present his written findings and recommendations to the parties within fifteen days following his appointment. Such recommendations shall be advisory only and shall be made public.

(2) If it is determined that such report is not acceptable to one or both parties, the second step for resolving impasse shall commence in the following manner: The board and the recognized association shall within ten days from the rejection of the advisor's report each select one person to serve on an advis-

ory panel. A third person who shall serve as panel chairman shall be selected jointly by the other two panelists. No panelist shall be a member of the board or the association. If within ten days from their appointment the two panelists are unable to agree upon the choice of a chairman, the board or the association shall so notify the Superintendent of Public Instruction, who shall appoint the chairman within ten days from receipt of notification. The panelists shall investigate, make findings of fact, and after consultation and vote recommend a solution. The written findings and recommendations of the panel shall be presented to the parties within thirty days from the time the chairman is appointed and shall be made public. Such panel recommendations shall be advisory only.

(3) The board shall adopt or reject the recommendations of the advisor or the advisory panel, as the case may be, at its next regular meeting or by a date agreed to by the recognized association and the board.

Section 10. (1) Certificated personnel shall have the right to join or not to join any association for their professional or economic improvement.

(2) Nothing in this Act shall prohibit any certificated employe or group of employes from appearing before the board in their own behalf in matters relating to their employment relations with the school district.

Section 11. Expenses of advisors selected jointly by the board and the association and expenses of persons required to be appointed by the Superintendent of Public Instruction shall be shared equally by the board and the association. The board shall pay the expenses of any person it appoints or selects, and the associations shall pay the expenses of any person it appoints or selects. Such expenses shall not be paid or shared by any other party. Expenditures required under this Act are conclusively presumed to be for the direct benefit of the public schools and for a valid school purpose.

Section 12. If any section, paragraph, sentence or clause of this Act is held invalid or unconstitutional, such decision shall

not affect the remaining portion of this Act or any section thereof.

Committee Amendment to **HB 198** is as follows:

Amend printed copy of House Bill 198 on page 9, line 8, by:
by deleting the number "1" and inserting in lieu thereof the number "9"
Page 10—line 18
by deleting the number "1" and inserting in lieu thereof the number "9"

The Committee on Business Organizations and Professions reported **HB 243**, with the Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

Committee Substitute to **HB 243** is as follows:

**Committee Substitute HB 243,** AN ACT relating to real estate licenses.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 324.045 of the Kentucky Revised Statutes is amended to read as follows:

(1) Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interest of the public, and only after satisfactory proof of such qualifications has been presented to the commission.

(2) In addition to proof of honesty, truthfulness and good reputation of any applicant for a license, each applicant must pass a written examination conducted by said commission, or its authorized representative, which examination shall be of scope and wording sufficient in the judgment of the commission to establish the competency and trustworthiness of the applicant to act as a real estate broker or salesman in such manner as to protect the interests of the public. Provided, however, no examination shall be required for the renewal of any present or future license unless such license has been revoked, suspended or is allowed to expire without renewal. The commission shall

hold examinations at such times and places as it may determine, and an examination fee of twenty-five dollars shall be collected from each applicant to defray the expenses of holding such examinations.

(3) The provisions of subsection (2) requiring applicants to pass a written examination to obtain license shall not apply to real estate brokers or salesmen furnishing satisfactory proof to the commission that they were engaged in the business or occupation of a real estate broker or salesman on January 1, 1956, within the Commonwealth of Kentucky, provided, however, that such real estate brokers and salesmen shall, on or before July 1, 1956, make application to the Kentucky Real Estate Commission for a real estate broker or salesman's license in accordance with provisions of KRS 324.040 and provided further that each application shall be accompanied by a bond and license fee in accordance with the requirements of KRS 324.060 and 324.070.

(4) Every applicant for a broker's or salesman's license shall be at least twenty-one years of age, and shall have graduated from high school, or in the discretion of the commission, shall produce proof of an education equivalent to that of a high school graduate. *Every applicant for a broker's license shall have held a salesman's license for a period of twenty-four months in this state prior to the date of said application, and must have been engaged in the real estate business for such a period of time, and shall apply in writing upon blanks prepared or furnished by the commission. If the applicant can furnish the commission a certificate from a resident college, university, or business school, accredited by appropriately recognized educational associations or chartered and licensed in the state of Kentucky, reflecting satisfactory completion of 60 college hours or 18 months of resident classroom training, then the requirements pertaining to holding a salesman's license for two years shall be reduced to one year and the applicant shall otherwise be eligible to apply for a broker's examination. The requirements for a salesman's license shall not apply to any applicant who formerly held a broker's license in this or any other state nor to any person who has been actively engaged as a builder for a period of three years.*

The Committee on Business Organizations and Professions

reported **HB 185** with the expression of opinion that the same should not pass.

The Committee on Highways and Traffic Safety reported **HB 184** with Committee Amendment attached thereto, **HB 397** with Committee Amendment attached thereto, and **HB 451** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 184,** AN ACT relating to the operation of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Any person who operates a motor vehicle in this state is deemed to have given his consent to a chemical test of his blood, breath, urine or saliva for the purpose of determining the alcoholic content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle in this state while under the influence of intoxicating liquor. The test shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle in this state while under the influence of intoxicating liquor. The law enforcement agency by which the officer is employed shall designate which of the aforesaid tests shall be administered.

Section 2. Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, is deemed not to have withdrawn the consent provided in section one of this Act and the test may be given.

Section 3. If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement agency as provided in section one of this Act, none shall be given, but the Department of Public Safety, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle in this state while under the influence of

intoxicating liquor and that the person refused to submit to the test upon the request of the law enforcement officer, shall revoke the license or permit of the person refusing to take the test for a period of not more than six months; or if the person arrested be a non-resident, his operating permit or privilege shall be revoked for not more than six months; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Section 4. Upon revoking the license or permit to drive or non-resident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, the Commissioner of the Department of Public Safety shall immediately notify the person in writing by mailing the notice to the person by certified or registered mail to the last known residence address of the person, or, if the address is unknown, to the last known business address of the person. Within ten days after receiving the notice, the person may request a hearing before the commissioner. Request for a hearing does not suspend the order of revocation. The hearing shall be scheduled as early as practical within not to exceed twenty days after receipt of such request at a time and place designated by the commissioner. The notice of hearing shall be served in the same manner as the notice of revocation or denial of a license. For the purpose of the hearing, the commissioner may appoint an examiner who shall have power to preside at the hearing. Upon the hearing the commissioner or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. The scope of the hearing shall cover the issues of whether a law enforecment officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle in this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether he refused to submit to the test upon request of the officer. Whether the person was informed that his privilege to drive would be

revoked or denied if he refused to submit to the test shall not be an issue. All testimony at the hearing shall be recorded. The commissioner's ruling shall include a statement of the findings of fact, rulings of law and other matters pertinent to the question at issue. The commissioner within 10 days after the completion of the hearing shall order that the revocation or determination that there should be a denial of issuance either be rescinded or sustained. The commissioner shall immediately notify the person of his ruling in writing by certified or registered mail.

Section 5. If the revocation or determination that there should be a denial of issuance is sustained after the hearing, the person whose license or permit to drive or nonresident operating privilege has been revoked, or to whom a license or permit is denied, under the provisions of this Act, may file a petition in Franklin Circuit Court to review the final order of revocation or denial by the commissioner within twenty days after the final order has been issued. The appeal does not suspend the order of revocation unless a stay thereof is allowed by the court pending a final determination of the review. If a stay is allowed, and the final judgment of the court finds against the person appealing, the period of revocation is determined by taking into account the period of time during which the revocation was effective before the stay was granted. The Department of Public Safety shall file with its answer a copy of the commissioner's ruling and a transcript of evidence. The court's review is limited to whether the commissioner's ruling is supported by substantial evidence and whether his action is arbitrary or capricious. An appeal to the Court of Appeals does not suspend the order of revocation unless a stay thereof is allowed by the court pending a final determination of the review. If a stay is allowed, and the final judgment of the court finds against the person appealing, the period of revocation is determined by taking into account the period of time during which the revocation was effective before the stay was granted.

Section 6. When it has been finally determined that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state

of the person's residence and of any state in which he has a license.

Section 7. KRS 189.520 is amended to read:

(1) No person under the influence of intoxicating liquors or *any drug which may impair one's driving ability* [narcotic drugs] shall operate a vehicle that is not a motor vehicle *anywhere in this state* [upon a highway].

(2) No person shall operate a motor vehicle *anywhere in this state* [on a highway] while under the influence of intoxicating liquors or *any drug which may impair one's driving ability* [narcotic drugs].

(3) No peace officer or State Police officer shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) and (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood, as determined at the time of making a chemical analysis of his blood, urine, breath or other bodily substance, shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

(b) If there was more than 0.05 percent, but less than *0.10* [0.15] percent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating liquor, but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was *0.10* [0.15] percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating liquor.

(6) No person may be compelled to submit to any test specified in subsection (4) of this section, but his refusal to submit to such test *shall result in revocation of his license as provided in section 3 of this act.* [may be commented upon by the prosecution in the trial against any person charged with operating any vehicle while under the influence of alcohol.]

*(7) Only a physician, registered nurse or qualified medical technician, duly licensed in Kentucky, acting at the request of the arresting officer can withdraw any blood of any person submitting to a chemical test under this act.*

*(8) The person tested shall be permitted to have a duly licensed physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer.*

Committee Amendment to **HB 184** is as follows:

Amend printed copy of House Bill 184 on page 1, lines 7 and 12, by:

striking the word "liquor" and inserting in lieu therefore the word "beverages"

and in page 2, line 2, by striking the peroid and inserting the following: ", and provide necessary equipment."

and on page 2, line 15, by striking the word "liquor" and inserting in lieu thereof the word "beverages"

and on page 3, line 22, by striking the word "liquor" and inserting in lieu thereof the word "beverages"

and on page 5, lines 11, 17 and 24, by striking the word "liquor" and inserting in lieu thereof the word "beverages"

and on page 6, lines 2, 6, 11 and 15, by striking the word "liquor" and inserting in lieu thereof the word "beverages"

**HB 397**, AN ACT relating to lights on motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 189.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with

at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this section.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirement and limitations of this section.

(3) Except as hereinafter provided, the head lamps or the auxiliary driving lamps or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distribution of light projected to different elevations, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1956, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(4) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in KRS 189.030, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirements and limitations hereinafter set forth.

(5) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in paragraph (b) of subsection (3) of this section above shall be deemed to avoid glare at all times, regardless of road contour and loading.

(6) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under KRS 189.340(5), 189.370(1), 189.375 and 189.560(3) other than the uppermost distribution of light specified in paragraph (a) of subsection (3) of this section.

(7) Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations.

(a) The head lights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead;

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet;

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher

than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(8) *Any vehicle is permitted to display white or amber flashing lights as a means for indicating a right or left turn or for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. Additional warning lights may be displayed on any vehicle if they meet the following requirements: (a) the front lamps shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber; and (b) the rear lamps shall be mounted in the same manner as the front lamps and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. Only vehicles which are used in the enforcement of ordinances or statutes shall display blue flashing lights, if lights are used at all. Only school buses, buses belonging to nonprofit organizations, highway maintenance vehicles, civil defense vehicles when used in the line of duty, and authorized emergency vehicles may display red flashing lights. Only wreckers may display yellow flashing lights, which shall be clearly visible for a distance of 500 feet.* [Flashing lights are prohibited on all motor vehicles except as a means of indicating a right or left turn or for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. This subsection shall not apply to authorized emergency vehicles or wrecker; to public utility repair vehicles at the scene of an emergency repair job; to county or municipal service equipment; to any vehicles operated by mail carriers while on duty; to highway equipment while performing work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; or to school buses or church buses.

(9) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front. This subsection shall not apply to authorized emergency vehicles; to school buses or church buses,

(10) All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.]

*(9)* [(11)] Bicycles need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead.

Section 2. Sections 189.043 and 189.047 of the Kentucky Revised Statutes are repealed.

Committee Amendment to **HB 397** is as follows:

Amend printed copy of House Bill 397 on page 4, line 28, by: deleting the word *"highway"*

and on page 5, line 1, by deleting the words: *"maintenance vehicles"*

and on page 5, line 3, by adding immediately following the word *"wreckers"* the words: *"and highway maintenance vehicles"*

**HB 451**, AN ACT relating to highway safety.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Governor is hereby empowered to contract and to do all other things necessary to secure the full benefits available to this Commonwealth under the Federal Highway Safety Act of 1966 (P. L. 89-564, and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organiations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The Governor shall be the official of this Commonwealth having the ultimate responsibility for dealing with the federal government with respect to programs and activities pursuant to the National Highway Safety Act of 1966 and any amendments thereto. To that end he shall coordinate the activities of any and all departments and agencies of this Commonwealth and its subdivisions, relating thereto,

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person shall operate a motorcycle:

(a) Except when that person is in possession of a valid motor vehicle operator's license, with a valid motorcycle operator's endorsement thereon; and

(b) Unless that person uses an approved eye protective device, in the manner prescribed by the commissioner, at all times such vehicle is in motion; and

(c) Unless the motorcycle is equipped with a rear-view mirror.

(2) No person shall operate or ride as a passenger on a motorcycle:

(a) Except on a seat permanently attached to that vehicle and specifically designed to carry the operator or pasenger in a safe manner; and

(b) Except when using a footrest permanently attached to that vehicle and specifically designed to carry that person in a safe manner; and

(c) Unless that person wears approved protective headgear, in the manner prescribed by the commissioner, at all times that the vehicle is in motion.

(3) The commissioner shall by regulation fix minimum standards for approved protective headgear and for approved eye-protective devices, and prescribe the manner in which they shall be used. He shall maintain and cause to be published a list of approved protective headgear and of approved eye-protective devices.

(4) As used in this Act, "motorcycle" means any motor driven vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, but excluding tractors and vehicles on which the operator and passengers ride in an enclosed cab.

Section 3. Section 186.414 of the Kentucky Revised Statutes is amended to read as follows:

Applications for renewal licenses shall be according to the following schedule:

(1) Persons whose family names begin with the letters "A" through "K" inclusive, shall before August 1, 1958, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1960, and shall be renewed every two years during the applicant's birth month thereafter.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive shall, before August 1, 1959, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1961, and shall be renewed every two years during the applicant's birth month thereafter.

*(3) Any person who is a resident of this state and who has obtained an operator's license in the manner provided for in this chapter, which has not been cancelled, suspended or revoked for any reason provided for in this chapter, and who is in the active service of the armed forces of the United States shall, upon written application to the circuit court clerk of the county in which he resides, be granted an extension of his operator's license beyond the periods set forth in subsection (1) and (2) of this section. Upon application the circuit court clerk shall issue to the applicant a written certification of operator's license extension. The extension so granted shall be effective so long as the applicant is an active member of the armed forces or six years from the date of the application whichever is less.*

*(4) The procedure for renewing or extending motorcycle operator's endorsements shall be the same as required by this section for licenses. A motorcycle operator's endorsement shall be renewed at the same time as the license to which it is affixed.*

Section 4. Section 186.412 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person seeking a license for operation of a motor

vehicle shall apply in person to the circuit court clerk of the county in which he resides and make application upon a form furnished by the department. The application shall contain the full name and signature, date of birth, sex, race, and present resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of the reason for the cancellation, suspension, revocation or refusal, and such other information as may be required.

(2) Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has fully complied with the law governing applications, issue a temporary operator's license to be valid for not more than ninety days. Such temporary license shall be valid in lieu of he permanent license during the certification period and must be destroyed upon receipt of the permanent operator's license.

*(4) Every person seeking an endorsement for operating a motorcycle shall apply in person to the circuit court clerk of the county in which he resides and make application upon a form furnished by the department.*

Section 5. Section 186.490 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the department under KRS 186.400 relating to his duties;

(2) Act for the department for the purpose of issuing temporary operator's licenses and instruction permits;

(3) Administer the oath required by KRS 186.412 to the applicant without fee;

(4) Report and remit each Monday to the Department of Revenue all moneys collected during the preceding week and remit a copy of all applications taken by him during the same

period to the Department of Public Safety. Upon failure of any clerk to report and remit therefor more than seven days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.531;

(5) Keep adequate records of all moneys collected and remitted to the department; and

(6) Keep in his office at all times available to the department a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses *or motorcycle operator's endorsements* within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways.

Section 6. Section 186.495 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall maintain an alphabetical index of all persons to whom operator's licenses *and motorcycle operator's endorsements* have been issued in his county, which index shall be sufficient to enable the prompt locating of the complete license record of each of such persons. Such index shall at all times be available for inspection by the State *Police* [Highway Patrol] and other officers charged with the duty of enforcing highway laws.

Section 7. Section 186.531 of the Kentucky Revised Statutes is amended to read as follows:

(1) The cost of operator's licenses, *endorsements* and permits shall be as follows:

(a) The fee for an original or renewal license shall be two dollars;

(b) The fee for an instruction permit, *motorcycle operator's endorsement, and motorcycle operator's endorsement renewal* shall be fifty cents; *another* [plus] fifty cents *shall be charged* for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar.

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) *Seventy five cents of the two dollar fee for* [Thirty-seven and one-half percent of] any original and renewal licenses;

(b) Fifty cents for issuance of any instruction permit, *motorcycle operator's endorsement or motorcycle operator's endorsement renewal;*

(c) Fifty cents for preparing and acknowledging an application for an instruction permit; and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

*(3) The total cost to an applicant for a motorcycle operator's endorsement or endorsement renewal is $3.00; of this amount the state receives a total of $1.75 and the clerk retains a total of $1.25.*

*(4)* [3] The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

Section 8. Section 186.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the circuit clerk refuses to issue a license *or a motorcycle operator's endorsement* to an applicant, the applicant may appeal to the department.

(2) Any person aggrieved by any ruling of the department relating to the denial, revocation, suspension or cancellation of an operator's license *or motorcycle operator's endorsement,* or any other safety provisions of KRS 186.400 to 186.640, other than orders of revocation or suspension when the facts render revocation or suspension mandatory, shall advise the department of his grievance, stating the grounds for it. In not less than fifteen nor more than thirty days, the aggrieved party may petition the quarterly court of the county in which he resides, for relief. The quarterly court may grant adequate relief. A copy of the petition shall be filed with the department.

(3) Either the aggrieved person or the department may appeal from the decision of the quarterly court.

Section 9. Section 189.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person under the influence of intoxicating *beverages* [liquors] or *any drug which may impair one's driving ability* [narcotic drugs] shall operate a vehicle that is not a motor vehicle *anywhere in this state* [upon a highway].

(2) No person shall operate a motor vehicle *anywhere in this state* [on a highway] while under the influence of intoxicating *beverages* [liquors] or *any drug which may impair one's driving ability* [narcotic drugs].

(3) No peace officer or State Police officer shall fail to enforce rigidly this section.

(4) In any criminal prosecution for a violation of subsections (1) and (2) of this section, wherein the defendant is charged with having operated a vehicle while under the influence of intoxicating *beverages* [liquor], the amount of alcohol in the defendant's blood, as determined at the time of making *an* [a chemical] analysis *of the chemical composition* of his blood, urine, or breath shall give rise to the following presumptions:

(a) If there was 0.05 percent or less by weight of alcohol in such blood, it shall be presumed that the defendant was not under the influence of intoxicating *beverages* [liquor];

(b) If there was more than 0.05 percent, but less than *0.10* [0.15] percent by weight of alcohol in such blood, such fact shall not constitute a presumption that the defendant either was or was not under the influence of intoxicating *beverages* [liquor], but such fact may be considered, together with other competent evidence, in determining the guilt or innocence of the defendant;

(c) If there was *0.10* [0.15] percent or more by weight of alcohol in such blood, it shall be presumed that the defendant was under the influence of intoxicating *beverages* [liquor].

(5) The provisions of subsection (4) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the defendant was under the influence of intoxicating *beverages* [liquor].

(6) No person may be compelled to submit to any test specified in subsection (4) of this section [, but his refusal to submit to such test may be commented upon by the prosecution in the trial against any person charged with operating any vehicle while under the influence of alcohol].

Section 10. Section 186.480 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Police may examine every applicant for an operator's license *or renewal of an operator's license* except as otherwise provided in this section. The examination shall be held in the county where the applicant resides unless the applicant is granted written permission by the circuit clerk of the county in which he resides, to take the examination in another county, and the State Police agrees to arrange for the examination in the other county. The examination *may* [shall] include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning and directing traffic, his knowledge of traffic laws and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(2) Any person whose operator's license is denied, suspended or revoked for cause, shall apply for reinstatement at the termination of the period for which the license was denied, suspended or revoked by submitting to the examination.

Section 11. (1) The Department of Public Safety shall study the problems of highway safety raised by the use of alcohol, and shall report to the 1970 General Assembly the plan which in its judgment is most effective and most feasible and which will satisfy the requirements of the federal highway safety program.

(2) To carry out the purposes of this section there is ap-

propriated to the Department of Public Safety from the General Fund in the State Treasury the sum of $35,000 for the fiscal years 1968-70. Any unexpended amount of this appropriation at the end of the fiscal year 1968-69 shall not lapse but carry forward into the following fiscal year.

The Committee on Highways and Traffic Safety reported **HB 85** and **HB 86** without expression of opinion.

The Committee on Appropriations and Revenue reported **HB 341** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 341,** AN ACT relating to the right of counties having a population of 50,000 or more to levy, assess and collect license taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 68.197 is amended to read as follows:

(1) The fiscal court of each county having a population of 50,000 or more, may by order or resolution impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding or exhibiting of any animal, article or other thing. License fees on such business, trade, occupation, or profession for revenue purposes, except those of the common schools, shall be imposed at a percentage rate or rates not to exceed one percent of (a) salaries, wages, commissions and other compensation earned by persons within the county for work done and services performed or rendered in the county, and (b) the net profits of businesses, trades, professions or occupations from activities conducted in the county. License imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No public service company that pays an ad valorem tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any insurance company, bank, trust company, combined bank and trust company, or combined trust, banking and title business in this state, or in other cases where the county is prohibited by law from imposing a license tax.

(2) No order or resolution of the fiscal court imposing license fees pursuant to subsection (1) of this section shall be valid until it is approved by a majority of the voters of the county at an election called by the fiscal court.

(3) The election in any county shall be held not less than fifteen nor more than sixty days from the time a resolution calling the election is adopted by the fiscal court. The election may be held at the same time as the regular election in November or on any Saturday at any other time in the year except on the date of the primary election in *May* [August]. The election shall be conducted and carried out in the county in all respects as required by the general election laws. [and shall be held by the same officers as required by the general election laws. The expense of the election if held on the regular election day in November shall be borne by the fiscal court.]

*(4) Any amount paid to any city within such county as a license fee, for the same privilege and for the same period, shall be credited against the county licensee fee payable under subsection (1) of this section.*

Section 2. KRS 68.990 is amended to read as follows:

(1) Any outgoing county treasurer who fails for ten days to comply with any of the provisions of KRS 68.050 shall be fined not less than fifty nor more than five hundred dollars.

(2) The fiscal court and each member thereof that fails or refuses to comply with any of the provisions of KRS 68.080 shall be fined fifty dollars for each offense.

(3) Any county officer or member of a fiscal court who violates any of the provisions of KRS 68.110(3) shall be fined not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail for not less than one month nor more than twelve months, or both.

(4) Any county or state officer who knowingly violates any of the provisions of KRS 68.250 (4), 68.270, 68.280, 68.310, 68.320 or 68.370 shall, in addition to the specific liabilities imposed for violating any of the provisions of those sections, be guilty of a misdemeanor and, upon conviction thereof, shall have

his office declared vacant, and may also be fined not more than five hundred dollars or imprisoned for not more than ninety days, or both.

(5) Any county officer or member of a county budget commission who willfully violates any of the provisions of KRS 68.010, 68.020(3), 68.220 to 68.260, 68.290, 68.300, 68.330, 68.340 or 68.360 shall be fined not less than fifty nor more than two hundred dollars.

(6) Any person, including a corporation, who willfully fails to prepare or file a timely return, account, or license application described in KRS 68.185 *(2) and 68.198 (2),* or who willfully prepares or files a false or inaccurate return, account, or license application shall be fined not more than one hundred dollars.

The Committee on Appropriations and Revenue reported **HB 399,** with Committee Amendments attached thereto, and **HB 400** with the expression of opinion that the same should pass. The minority of the Committee on Appropriations and Revenue submitted a report on **HB 399** and **HB 400** with Amendment attached thereto.

The minority report included the following Amendment to **HB 400:**

Amend printed copy of House Bill 400 on page 2, line __, by deleting in their entirety lines 10, 13, 16, 19, 22, 25, and 28

and on page 3, by deleting in their entirety lines 4, 9, 12, 15, 18, 24, and 28

and on page 4, by deleting in their entirety lines 4, 9, 12, 15, 18, and 27

and on page 5, by deleting in their entirety lines 4, 7, 11, 17, 20, and 26

and on page 6, by deleting in their entirety lines 5, 10, 19, 23, and 27

and on page 7, by deleting in their entirety lines 3, 7, 17, 21, 25 and on page 7, line 9, by deleting ", and $136,000 for the fiscal year 1969-70"

and on page 8, by deleting in their entirety lines 3, 9, 13, 18, 21, and 25

and on page 9, by deleting in their entirety lines 2, 8, 11, 25, 26, 27, and 28

and on page 10, by deleting in their entirety lines 1, 2, 3, 4, 5, 6, 7, 8, 9

and on page 11, lines 21, 22 and 24 by deleting *"1969-70"* "1,475" "1,060"

and on page 12, by deleting in its entirety line 11, and on lines 14-15 by deleting: "and $1,200 in the 1969-70 school year."

and on page 13, by deleting in its entirety line 26

and on page 14, by deleting in their entirety lines 6, 12, 19, 25 and 28

and on page 15, by deleting in their entirety lines 3, 6, 10, 14, 22 and 27

and on page 16, by deleting in their entirety lines 2, 10, 15, 19, 23 and 27

and on page 17, by deleting in their entirety lines 3, 7, 11, 15, 19, 23 and 28

and on page 18, by deleting in their entirety lines 3, 6, 9, 13, 17, 21 and 25

and on page 19, by deleting in their entirety lines 4, 8, 22, and 27

and on page 20, by deleting in their entirety lines 2, 8, 12, 17, 22, and 25

and on page 21, by deleting in their entirety lines 6, 11, 18, 21, 23; 27, 15 and the following on line 14: "and 1,400 foster care"

and on page 22, by deleting in their entirety lines 4, 7, 11, 15, 23 and 27

and on page 23, by deleting in their entirety lines 4, 10, 13, 16, 19, 23 and 27

and on page 24, by deleting in their entirety lines 14, 17, 21 and 26

and on page 25, by deleting in their entirety lines 1, 8, 13, and 25 and on line 14, by deleting "for each year"

and on page 26, by deleting in their entirety lines 4, 9, 12, 16, 20 and 24

and on page 27, by deleting in their entirety lines 1, 4, 10, 14, 18, 24 and the following on lines 26 and 27: "and thirty (30) additional troopers in the 1969-70 fiscal year."

and on page 28, by deleting in their entirety lines 2, 6, 11, 14, 18, 22 and 27

and on page 29, by deleting in their entirety lines 3, 8, 13, 17, 23 and 28

and on page 30, by deleting in their entirety lines 5, 11, 15, 24 and 27

and on page 31, by deleting in their entirety lines 8, 14, 17, 23 and 26

and on page 32, by deleting in their entirety lines 4, 9, 12, 17, 20 and 23

and on page 33, by deleting in their entirety lines 1, 13, 18 and 27

and on page 35, by deleting in their entirety lines 1, 5 and 15

and on page 35, line 21 after the word "functions" by adding the following: "for the 1968-69 fiscal year"

and on page 36, line 1, after the word "Highways" by adding "during the 1968-69 fiscal year"

and on page 36, line 3, by deleting ", and June 30, 1969"

and on page 36, line 4, by deleting "and 1969-70" and amending "years" to read "year"

and on page 36, lines 21 and 22 by deleting "and $13,000,000 for 1969-70"

and on page 37, by deleting in their entirety lines 9, 15 and 22

and on page 38, by deleting in their entirety lines 2, 11, 19 and 26

and on page 39, by deleting in their entirety lines 4 and 15

and on page 40, lines 9 and 10 by deleting "and for the fiscal year ending June 30, 1970,"

and on page 40, line 27 by deleting "or fiscal year 1969-70"

and on page 41, lines 12 and 13 by deleting ", and during the fiscal year ending June 30, 1970,"

and on page 42, by deleting in their entirety lines 3, 8, 11, 14

and on page 43, by deleting in their entirety lines 11, 22, 26

and on page 44, by deleting in their entirety lines 2, 10, 13, 16, 23, 26

and on page 45, by deleting in their entirety lines 1, 18, 24

and on page 46, by deleting in their entirety lines 3, 8, 15, 21, 26

and on page 47, by deleting in their entirety lines 2, 11, 17, 25, 28

and on page 48, by deleting in their entirety line 6, 17, 27

and on page 49, by deleting in its entirety line 6

and on page 49, line 18 by deleting "and 1969-70 fiscal years" and inserting in lieu thereof "fiscal year"

and on page 49, lines 25 and 26 by deleting "and each fiscal year thereafter"

and on page 50, by deleting in their entirety lines 6, 11, 14, 18

The Committee on Agriculture and Natural Resources reported **HB 334** with Committee Amendments attached thereto, **HB 337,** and **HB 471** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 334,** AN ACT relating to fish and wildlife resources.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 151.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Chapter, unless the context otherwise requires:

(1) "Angling" means the taking or attempting to take fish by hook and line in hand, *gigs,* rod in hand, *jugging,* setline or *sport fishing* trotline, but does not include the use of grabbling hook [,] *and line,* gang hooks, snag lines, *commercial trotline,* [gigs,] or nets of any kind.

(2) "Buy" includes offering to buy, acquiring or possessing through purchase, barter, exchange or trade.

*(3) "Commercial trotline" is a line to which is attached more than 50 single or multibarbed baited hooks, which shall not be placed closer than eighteen inches.*

*(4)* [(3)] "Commission" means the Department of Fish and Wildlife Resources Commission.

*(5)* [(4)] "Commissioner" means the Commissioner of the Department of Fish and Wildlife Resources.

*(6)* [(5)] "Device" means any article, instrument or

equipment of whatever nature or kind which may be used to take wild animals, wild birds or fish*es*.

*(7)* [(6)] "Department" means the Department of Fish and Wildlife Resources.

*(8)* [(28)] "Fishing" means to take or attempt to take in any manner, whether the fisherman has fish in possession or not.

*(9)* [(7)] "Grabbling" means the taking of fish by [hooking,] snatching or snagging *on* [by the use of] one or more single or multibarbed hooks *by use of* [on] either a hand *line* or pole *and line.*

*(10)* [(8)] "Gigging" means the taking of fish by spearing or impaling on any pronged or barbed instrument attached to the end of *any* [a] rigid *object* [pole].

*(11)* [(27)] "Hunting" means to take or attempt to take in any manner, whether the hunter has game in possession or not.

*(12)* [(9)] "Impounded waters" means any [public] waters backed up *behind* [by] a dam [constructed] and *includes all water upstream from the dam to the first riffle or shoal.* [used for hydroelectric purposes or for the purposes of flood control.]

*(13) "Jugging" is a means of fishing by which a single baited line is attached to any floating object.*

*(14)* [(10)] "Navigable waters" means any waters within this state under lock and dam.

*(15)* [(11)] "Nonresident" means a person who has not *established a permanent domicile in this state and has not* resided in this state for *six months* [one year] *immediately* prior to his application for a license.

*(16)* [(12)] "Noodling" or "tickling" means the taking of fish from any stream or body of water by hand and without the use of any artificial device.

*(17)* [(13)] "Minnows" means all fish*es* under six inches in length, except bass*es* (large*mouth* [and], smallmouth, *or* [and] Kentucky), rock bass or goggle-eye, trout, crappie, [jack

salmon,] walleye[d], *sauger,* pikes, *members of the* striped bass *family,* [sand pike or sauger or] *and* muskellunge.

*(18)* [(26)] "Prescribed by the department" means established by a regulation or regulations.

*(19)* [(14)] "Public waters" means all waters within the state flowing in a natural [channel] stream *channel or impounded on a natural stream.*

*(20)* [(15)] "Raw fur" means a hide, fur or pelt of a fur bearing animal which has not been processed by an established commercial processor. Skinning, stretching, oiling or coloring *of the pelt of* [by the person who took] the animal shall not be considered as processing.

*(21)* [(25)] "Regulation" means a written regulation adopted by the commissioner with the approval of the commission.

*(22)* [(16)] "Resident" means any person who has *established permanent domicile and legal residence and has* resided in this state for *six months immediately* [one year] prior to his application for a license. *All other persons shall be classed as nonresidents, except students enrolled for at least six months in an educational institution as full time students and military personnel of the United States under permanent assignment, who shall be classified as residents while so enrolled or assigned in this state.*

*(23) "Resist" means to point a gun at, leave the scene, intimidate or attempt to intimidate in any manner or further interfere in any manner with any officer in the discharge of his duties.*

*(24)* [(17)] "Rough fish" means *all species of* [any] fish*es* other than *those species designated by regulation as sport fishes.* [black bass (large-mouth, small mouth or Kentucky) and crappie, jack salmon or walleyed pike, striped bass and pike or sauger and muskellunge, rock bass or goggle eye and trout.]

*(25)* [(18)] "Sell" includes offering to sell, having or possessing for sale, barter, exchange or trade.

*(26) "Setline" means a stationary line attached at one ter-*

*minal end to an anchor point on the bank of a lake or stream, and must conform to definitions herein defined as trotline.*

(27) [(19)] "Snag line" *is* [means] any *stationary line* [setline anchored at one or more terminal points in any stream or body of water] which contains *more than 50* [one or more hooks either] single or multibarbed *hooks* [, and] which *are* [is] *baited or unbaited.* [used without bait.]

*(28) "Sports fishing trotline" is a line to which is attached no more than 50 single or multibarbed baited hooks which shall not be placed closer together than eighteen inches.*

*(29)* [(20)] "Take" includes pursue, shoot, hunt, wound, *catch,* kill, trap or capture, *wildlife* in any way [;] and any lesser act designed to lure, attract or entice for such purposes; [,] *and* to place, set, aim or use any device, animal, substance or agency which may [be] reasonably *be* expected to accomplish such acts; [every] *or to* attempt to do such acts or to assist any other person in the doing of or the attempt to do such acts.

*(30)* [(21)] "Tenant" means any resident share cropper, lessee, or any other person actually engaged in work upon a farm or lands and resides in a dwelling on the farms or lands, but shall not include any other employee or tenant unless actually residing on the property and engaged or employed as above mentioned.

*(31)* [(22)] "Transport" *means to carry, move or ship wildlife from one place to another.* [shall include the offering or receiving for transportation.]

*(32)* [(23)] "Wild bird" and "wild animal" includes *all* [such] *nondomesticated* [wild] birds or [wild] animals or any part thereof.

*(33)* [(24)] "Wildlife" means any wild bird, wild *mammal* [animals], fish*es,* amphibian or other form of aquatic life, *or a part thereof,* protected or unprotected by this chapter.

Section 2. Section 150.025 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the commissioner, with the concurrence of the com-

mission, and after giving due regard to the public recreation and sport afforded thereby, the economic value and breeding habits of any species, class, type or breed of wildlife, either native or imported, finds that the supply thereof has become unduly depleted or finds that, because of adverse weather conditions, floods, disease, fire, inadequate food supply, breeding conditions, lack of cover, unequal distribution, excessive destruction or widespread violations of the fish and wildlife laws or for any other reason, there is serious danger that the continued supply thereof may be depleted, the department shall adopt such regulations as may be necessary and proper to restore supply or to prevent the further depletion thereof. Such regulations may be made to apply to a limited area or to the entire state.

(2) In carrying out the provisions of this section the department may, by regulations:

(a) Fix, close, terminate, shorten or divide open season, or make open seasons conditional;

(b) Regulate bag or creel limits and possession limits;

(c) Regulate buying, selling or transporting;

(d) Regulate the size of type or any device used for taking, and regulate any method of taking;

(e) Regulate or restrict the places where taking is permitted;

(f) Regulate taking, or the opening or closing of seasons, in waters in which the department is conducting experiments or making improvements for the purpose of promoting the conservation of wildlife, and increasing the supply thereof;

(g) Make any other regulations reasonably necessary to implement or carry out the purposes of this chapter.

(3) The commissioner shall cause the text of every regulation [applying to the entire state] to be published [pursuant to KRS Chapter 424] immediately after *filing, once* [it is filed] in [accordance with the state filing law.] two [different] *newspapers having statewide circulation.* [Every regulation applying to a limited area shall be published, immediately after filing, pursuant to KRS Chapter 424 in each county in which a part

of the area is located.] The commissioner shall also mail two copies [of every regulation] to the county court clerk of each county in which the regulation is applicable, one copy of which shall be posted on the courthouse door or bulletin board. *The commissioner shall also cause to be prepared news releases concerning all regulations for distribution to radio, television and newspaper media.* [Additional distribution may be made at the discretion of the commissioner.]

Section 3. Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation officers or any other persons appointed by the commissioner and all peace officers and their deputies shall enforce the provisions of this chapter and shall have the right to go upon the land of any person or persons whether private or public for the purpose of conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or their enforcement or in the enforcement of laws or orders of the department [of Fish and Wildlife Resources] relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest or trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

(2) Conservation officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or *tag,* [badge] *bag or creel* of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter,

or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms *and any other device that may be used in taking wildlife and is in the possession* [being carried upon the person] of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

Section 4. Section 150.095 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Conservation officers are authorized to keep and bear arms upon their person, concealed or otherwise, in the same manner as all other peace officers, and to exercise the use of such arms to such extent as the same may be necessary in the discharge of their duties.

*(2) The commissioner may authorize conservation officers and other departmental personnel to use sirens and suitable visible flashing lights on their vehicles in the performance of their duties.*

Section 5. Section 150.110 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner and conservation officers may arrest without warrant anyone violating any of the provisions of KRS *150.510* [150.500] to 150.520 or any of the rules or regulations made by the department for the protection of mussels under this chapter. They may inspect mussels in any warehouse, boat, store, car or receptacle when they have good cause to believe that any of the provisions of KRS *150.510* [150.500] to 150.520 or any of the rules or regulations made thereunder have been or are being violated. This authority does not include the right to enter any dwelling house without a search warrant. When the officers find mussels in the possession of anyone in violation of this chapter, the mussels shall be confiscated and sold in the manner provided by KRS 150.120 for the sale of confiscated fish and game.

Section 6. Section 150.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in this chapter, all moneys derived from the sale of licenses or from any other source connected with the administration of this chapter shall be promptly paid over to the State Treasurer, who shall deposit such moneys in a special fund, known as the Game and Fish Fund. The Game and Fish Fund shall be used to carry out the purposes of this chapter and any law or regulation for the protection of wild animals, birds or fish, and for no other purpose.

(2) All funds received under KRS 150.110 and *150.510* [150.500] to 150.520 shall be used by the department for the purpose of enforcing those sections and for the protection and propagation of mussel beds. Any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the department.

Section 7. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2), (3), (4), (5), and (6) of this section, and subject to regulations adopted under this chapter, no person, *resident or nonresident,* shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit, *resident or nonresident,* that authorized such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife [or wild animals], protected or unprotected, or the *fishing* [angling] in any stream or body of water whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age, without a *sport* fishing license, take fish by angling, or take minnows by the use of a minnow seine, *minnow trap or dipnet.*

(3) The resident owner of farmlands, his wife, or *dependent children,* or tenants and their *dependent* children, resid-

ing upon said farmland shall, without procuring license, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners, or wife or *dependent* children of such owners, or tenants or *dependent* children of such tenants.

(4) Residents or nonresidents attending and participating in any [annual state or national] field trial *as authorized by the department* may so attend and participate without obtaining a hunting license *so long as game is not taken.*

(5) Any resident [of this state] who is sixty-five years of age or older may, without a hunting or *a sport* fishing license, do any act authorized by such a license, and may take or pursue deer without a big game permit or other permit required by law or regulation, but while so doing he must carry uopn his person an affidavit stating the year *of his birth* and place of *residence.* [his birth.]

(6) The provisions of this chapter for the protection of wild animals shall not apply to resident landowners of this state who kill on their land any wild animal causing damage to such land or any personal property situated thereon. Upon destruction of any animal or bird by a landowner such act must be reported to the department [of Fish and Wildlife Resources] or the resident conservation officer for the proper disposition of the carcass.

(7) In the event a reciprocal agreement is entered into between the commissioner, [of the Department of Fish and Wildlife Resources of this state] with the approval of the commission, and the similar authority [,] *of* [of the state of] *Missouri,* Tennessee, *Virginia and West Virginia* pursuant to which persons holding a [fishing license] [(] resident or nonresident [)] *fishing* or a [state wide hunting license (] resident or nonresident[)] *statewide hunting license* issued in this state are permitted to perform the acts authorized by such license upon *certain contiguous waters and land areas adjacent to the common boundaries of the above mentioned states and the State of Kentucky. A resident of the State of Kentucky must purchase a proper Kentucky license to conform with the reciprocal agreement.* [so much of the waters of any lake, extending across the

boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.]

Section 8. Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) [A] Statewide *resident sport* fishing license which authorizes the holder thereof to take fish*es* by angling, or take *crayfish* [crawfish] by a minnow seine, or by hand, to take minnows by the use of a minnow seine, *minnow trap or dip net,* or to take fish*es* by grabbling, gigging, *jugging, bow and arrow* and by noodling or tickling, and to take frogs *and turtles* from any waters in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the department may from time to time prescribe; *his license authorizes the holder to sell rough fishes so taken by hook and line;*

(2) A *short term* [ten day] *sport* fishing license which may be issued only to a nonresident and which authorizes the holder thereof to *perform all acts authorized by a statewide sport fishing license and subject to same limitations or prescribed regulations;* [take fish by angling, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the department from time to time;]

(3) A *resident* commercial fishing license *and a nonresident commercial fishing license,* which authorizes *a* [the] holder

thereof to perform any act authorized by a *sport* fishing license and to take *rough* fish*es* from the *waters* [streams] of the state by the use of *commercial fishing gear as prescribed by regulation;* [twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line.] Such license shall also authorize the holder thereof to sell *rough* fish*es*, other than those protected *by regulation;* [by this chapter, either at wholesale or retail;]

(4) An Ohio River *sport* fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a statewide *sport* fishing license;

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3), provided that the holder of such license has first obtained a tag *or tags* for each *piece of commercial fishing gear in possession including each* seine, [hoop] net, *trap,* and [snag] line;

(6) A [seine] tag *for use on a gill net, trammel net or seine* which may be issued only to persons holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking *rough* fish*es* from the waters of this state, or from the Ohio River only, as the case may be. [, one hundred feet of seine or part thereof.] A separate tag shall be required for each 100 feet of seine, *gill net, trammel net* or netting, or part thereof, [;] *and said tag shall be attached thereto;*

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, [and] which authorizes the holder thereof to use, in taking *rough* fish*es* from the waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net *of any type prescribed by regulation,* [;] *and said tag shall be attached thereto;*

(8) A snag line tag *and a commercial trotline tag,* which

may be issued only to the *proper* holder of a commercial fishing license, or an Ohio River commercial fishing license, [and] which authorizes the holder thereof to use, in taking *rough* fishes from the waters of this state, or from the Ohio River only, as the case may be, one snag line *or one trotline.* A separate tag shall be required for each snag line *and each commercial trotline,* [;] *and said tag shall be attached thereto;*

(9) [A] Live *fish and* bait dealer's license, *resident and nonresident,* which [may be issued only to a resident of this state and which] authorizes the holder thereof to sell [live] bait *and live fish as may be prescribed by regulation;* [to be used in angling.]

(10) [A] Musseling, licenses, *resident and nonresident,* which authorize[s] the holder thereof to take mussels for commercial purposes *as may be prescribed by regulation;* [from any shell bed;]

(11) A Statewide *resident* hunting license, which authorizes the holder thereof to take or pursue wild animals, *wild birds, frogs and turtles with gun, bow and arrow, dog or falcon,* [except deer, bear or wild turkey in any open area of this state, with bow and arrow, gun, gun and dog or dog; and to take wild birds with bow and arrow or with gun; and] *or* to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport, [; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter;] *according to the provisions of the laws and regulations of the department;*

(12) A junior statewide hunting license, which may be issued only to a resident of this state, before he has reached his or her sixteenth birthday, *but which becomes void on his or her sixteenth birthday,* and which authorizes the holder thereof to exercise all the privileges authorized by a statewide hunting license;

(13) [A] Trapping licenses, *resident and nonresident,* which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person, [. (P] *p*rovided that the holder of such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410; [);]

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, [in lifelike form,] the skins of *wildlife.* [wild animals;]

(15) A commercial guide's license, which authorizes the holder thereof to *guide hunting and fishing parties according to the provisions of the laws and regulations of the department;* [receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;]

(16) [A] *F*urbuyer's licenses, *resident and nonresident,* [which may be issued only to a resident of this state and] which authorize[*s*] the holder thereof to buy raw furs from *licensed* trappers and hunters and to sell raw furs so purchased. [to a licensed fur processor;] *Applicants for such license shall state the number of premises to be used and shall display at each a copy of same as furnished by the department except that the commissioner may limit the number of copies furnished and may revoke license for violation;*

(17) A fur processor's license, which may be issued only to a resident, *a partnership, firm or corporation* of this state and which authorizes the holder thereof to buy raw furs *when in legal possession* [from a licensed fur buyer,] for [the purpose of] processing, manufacture or retention in cold storage *or* for resale; [to another licensed fur processor, to process or manufacture such raw furs, or hold them in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state, to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs.]

[(18) A nonresident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state;]

(18) [(19)] Nonresident *sport* fishing license which authorizes the holder thereof to perform any act authorized by a resident statewide *sport* fishing license;

*(19)* [(20)] Nonresident hunting license which author-

izes the holder thereof to perform any act authorized by a resident statewide hunting license;

*(20)* [(21)] A special license to nonresidents for the purpose of hunting on licensed [private] hunting preserves. This license is good only for the preserve for which it was issued and shall continue legal only for one year. These licenses shall be issued in ink by the preserve manager, and it becomes his responsibility to see that each hunter is properly licensed before going into the field. When the hunter owns either a nonresident or resident statewide hunting license for the current year, the special license shall not be required. The commissioner, with the approval of the commission, shall have the authority to establish and regulate *hunting* [private shooting] preserves, *either private or commercial;*

*(21)* [(22)] A big game permit, which, in combination with a valid statewide hunting license or a valid junior statewide hunting license, authorizes the holder thereof to take or pursue deer, bear or wild turkey, in any designated open area of this state, [with long bow and arrow or gun,] during the open season and according to the provisions of the laws and regulations governing such hunting;

*(22) A combination hunting and fishing license, which authorizes only resident holders to perform all acts valid under either a sport fishing or hunting license;*

*(23) A trout stamp, which may be established by regulation in accordance with KRS 150.225.*

Section 9. Section 150.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in this section or elsewhere in this chapter, and subject to regulations adopted under this chapter, no person, for himself or as the agent or employe of another shall buy, or sell, or attempt to buy, or sell, barter, exchange, or trade, or have in possession for the purpose of selling, bartering, or trading any *protected wildlife or part thereof* [wild turkey, native pheasant, quail, bobwhite, deer] or raw fur, [or any other wild animals] no matter where or when caught

or killed, whether caught or killed in this state or in any other state or other country.

(2) Mussels and fishes, other than *sport fishes as designated by departmental regulations, and all fishes, regardless of species, raised by licensed propagation permittees* [black bass (large mouth or small mouth and Kentucky) rock bass or goggle-eye, crappie, jack salmon or walleyed pike, striped bass, sand pike or sauger, trout and muskellunge] may be bought, sold and transported, if in legal possession.

(3) Raw furs, if in legal passession, may be sold, *transported or shipped,* by a licensed trapper or licensed hunter to a licensed fur buyer (resident or nonresident), and by a licensed fur buyer to a licensed fur processor or to another fur buyer [.] *if in legal possession. Raw furs may be held in possession by a trapper or a fur buyer twenty days following the close of the season. A fur processor may hold raw furs or sell to another licensed fur processor at any time.* [A licensed fur buyer may buy raw furs from a licensed trapper or licensed hunter, if in legal possession of the trapper or hunter, and licensed fur processors may buy such furs from a licensed fur buyer or from another licensed fur processor, if in legal possession of such fur buyer or processor, and may buy raw furs from a nonresident fur processor licensed in the state of his residence to deal in raw furs. A licensed fur processor may sell raw furs to another licensed fur processor or to a licensed nonresident fur buyer. A licensed nonresident fur buyer may buy raw furs from any person having the same legally in possession.]

[(4) Subject to regulations adopted under this chapter, any person authorized by subsection (3) of this section to sell or buy raw furs may transport, between any points within this state, any such furs legally in his possession. No person may transport or ship raw furs from this state to a point outside this state unless he hold a nonresident fur buyer's license, except that an individual who has lawfully taken a fur bearing animal in this state or who has legally purchased the pelts of fur bearing animals may ship the pelts thereof at anytime during the period such pelts may be in his legal possession in this state, to a nonresident fur processor who is licensed in the state of his residence to deal in raw furs, or to a nonresident taxidermist for the purpose of mounting.]

*(4)* [(5)] Subject to regulations adopted under this chapter, a person who has been issued a license under this chapter and who has the license on his person may transport anywhere as a part of his personal baggage any *protected wildlife* [wild animals, wild birds or fish] legally taken by him under such license, not in excess of the number that the law or regulation permit him to have in possession at any one time.

*(5)* [(6)] A person who has legally taken any *protected wildlife* [wild animal, wild bird or fish] in another state and who has in his possession the license which authorizes such taking may, if the same be dead, transport the same to this state, as part of his personal baggage at any time during the open season for the particular species in the state in which taken or within ten days after the close of such season. Any person may ship dead game or dead fish so taken subject to the provisions of the laws of the state in which the same was taken and the laws and regulations of the United States relating thereto.

*(6)* [(7)] No person shall import or transport into the State of Kentucky or receive shipment in the state from without the state, any *live wildlife* [type or species of live game, live wild animal, live wild bird or fish, live amphibian, protected or unprotected under this chapter, excepting minnows to be used for bait,] without first procuring from the department a written permit to do so. If it is determined upon inspection that such *wildlife* [game, wild animals, wild birds, fish or amphibians] would not constitute a menace to the state and *is* [are] free from disease [that might spread throughout the state] *and other undesirable physical characteristics* [to the detriment of wildlife resources], the commissioner shall issue such a permit free of charge.

*(7) No person may at any time stock any species of fish secure from any source into the public waters of the Commonwealth without first securing a permit from the Commissioner.*

[(8) Any carcass of a coon or muskrat from which the fur has been removed and taken in open season may be legally sold by the taker only within ninety days after the season closes.]

*(8)* [(9)] This section shall not in any way interfere with

the transportation of any *wildlife* [wild animals, wild birds or fish] by the authorized *personnel* [officers] of the department.

*(9)* [(10)] Federal *and state* regulations shall govern the transportation of all migratory wild birds.

Section 10. Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall [only] be issued [pursuant to a written application,] on a form prescribed by the commissioner, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or *provide* any false information *when securing a license* [in the application].

(2) Except as provided in subsection (3), *(4), (5), (6) and (7),* [and (4)] all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the persons to whom the licenses are issued to sign their name on the *license attesting to the validity of the information contained thereon.* [margin.] The clerk shall keep a correct and complete copy of all licenses issued in *the* [a] book *of license* [to be] furnished by the department, [which records shall remain in his office] and *these records shall* be open to inspection by the public during regular office hours. No county clerk *or deputy* shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River *sport* fishing licenses and Ohio River commercial fishing licenses [,] and seine, *hoop net, net, commercial trotline* [netting, hoop net] and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such persons resident *and* [or] nonresident, as may be designated by the commissioner as agent for that purpose,

(4) Commercial guide's licenses, fur buyer's licenses, both resident and nonresident, and fur processor's licenses shall be issued directly by the department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live *fish and* bait dealers' license, both resident and nonresident, shall be issued directly by the department, or through such persons, resident or nonresident, as may be designated by the commissioner as agent for that purpose.

*(6) Musseling licenses, both resident and nonresident, shall be issued directly by the department.*

*(7) Commercial fishing licenses, both resident and nonresident, shall be issued directly by the department, or through such residents as may be designated by the commissioner as agents for that purpose.*

Section 11. Section 150.235 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall perform any act authorized to be performed by any of the various licenses provided for in this chapter without first procuring the type of license which authorizes the performance of such act and unless at the time of the performance of such act he has the license provided therefor on his person, except that in the case of a fur processor it shall be sufficient if the license is posted in a conspicuous place upon the licensed premises.

[(2) No license authorized by this chapter, except a fur processor's license, may be issued except to an individual, and not more than one such license of any particular type may be

issued to any individual during a single calendar year. A fur processor's license may be issued to an individual, partnership, firm or corporation, and as many such licenses may be issued to any one individual, partnership, firm or corporation as may be required for the various premises upon which the licensed business is to be carried on. In the case of a fur processor's license, no employe or agent of the person, firm, partnership or corporation in whose name the license was issued shall exercise any privilege authorized by the license at any place other than the licensed premises, unless he has on his person an agent's license card issued by the commissioner. For the purpose of securing such agent's cards, the holder of the license shall file with the department an application form, stating the name and giving a general description of each agent or employe who will engage in the transactions authorized by the license. There shall be no fee for the issuance of such agent's cards. The commissioner, with the approval of the commission, shall have authority to restrict and limit the number of such cards that will be issued, and to prescribe the terms and conditions under which a card may be issued and used and may revoke any such cards whenever it appears to the commissioner that the holder thereof is not complying in all respects with the purpose and intent of this chapter.]

(2) [(3)] Whenever in this chapter reference is made to the "holder" of a license, it means the person in whose name the license was issued. No person to whom a license has been issued under this chapter may authorize or permit any other person to carry his license.

*(3) No nonresident shall perform any act under this chapter without first procuring the proper nonresident license.*

Section 12. Section 150.260 of the Kentucky Revised Statutes is amended to read as follows:

Kentucky assents to the provisions of [an] Acts of Congress [entitled "An Act to provide that the United States shall aid the states in wild life restoration projects, and for other purposes,"] *which provide that the United States shall aid the states in wildlife restoration projects, and for other purposes, as* ap-

proved September 2, 1937 *and August 9, 1950, as well as other acts related to wildlife.* The department shall *supervise and carry out/or* [perform] such *programs* [acts] as may be necessary to the establishment and conduct of cooperative wildlife restoration projects in compliance with said Acts and with rules and regulations promulgated thereunder by the Secretary of *the Interior or other secretaries dealing with matters related to wildlife.* [Agriculture] No *game and fish* funds accruing to the *department* [state from license fees paid by hunters] shall be diverted to any *objective* [purpose] other than the *purposes as outlined in this chapter and more particularly defined in KRS 150.015.* [administration of the department]

Section 13. Section 150.280 of the Kentucky Revised Statutes is amended to read as follows:

No person shall propagate *or hold protected wildlife* [fish, frogs, fur-bearing animals and other game, nor harbor or maintain any protected game or fish in captivity for the purpose of making a pet of the same, or for any other purpose,] without first procuring a permit to do so from the department. The commissioner shall make and publish regulations governing all such activity. The application for *such* [a breeder's] permit, [or for a permit to harbor and maintain protected game and fish as pets or for any other purpose,] shall be in writing, addressed to the commission, signed by the applicant, and shall describe the land or waters owned or leased [by the breder] to be used [for breeding purposes] and shall contain such other facts as may be required by the commissioner. [When it appears that the application is made in good faith,] *T*he commissioner may issue a permit, which shall continue in force for one year *or any part thereof* unless sooner revoked by the commissioner for cause, upon payment of a fee *not to exceed five* [of two] dollars and fees for tagging which shall be fixed by the commissioner. A fish and game club which enters into an agreement with the department to operate such a farm, in cooperation with the department, for the purpose of carrying out the department's program may, with the approval of the commissioner, be issued a permit without the payment of any fee. Any permit issued pursuant to this section may be revoked by the commissioner at any time for a

violation by the holder thereof of any of the laws of Kentucky or of any regulation of the department.

Section 14. Section 150.305 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to regulations adopted under this chapter and except as otherwise provided in this section, no person shall have in his possession any wild bird, wild animal or fish protected by this chapter, or any raw fur, except during the open season for the particular species, unless such person be the holder of a valid permit issued pursuant to the provisions of KRS 150.275 or 150.280.

(2) Any person who has legally taken any wildlife may *possess same in cold storage.* [have the same in his possession in a frozen food locker, either in his home or in a commercial locker plant, for a period of ninety days after the close of the season for the particular species.] *If possessed in a commercial locker plant,* the name of the taker, *his license number,* the date of taking, and the number and species of *wildlife* [animal or bird] must be marked on the package in which the same *is* [are] stored. Legally imported *wildlife from other states or countries* [game or fish] may be *similarly* held. [in such frozen food locker for a period of time to conform with the requirements of the pure food law, provided, however, that the date of storage with the number of the nonresident license under which such game or fish were taken or attached or stamped upon each package or carcass.]

[(3) Any person who has legally taken any wild animal, wild bird or fish in another state and who has legally transported or shipped the same to this state in accordance with the provisions of subsection (6) of KRS 150.180, may have the same in his possession, other than in a frozen food locker as above provided, in this state for a period of not more than ten days after the close of the open season in the state in which the same was taken.]

*(3)* [(4)] Federal regulations shall govern the possession of migratory wild birds.

*(4)* [(5)] To facilitate the enforcement of subsection (2) [and (3)] of this section, the commissioner, or such agents and employees of the department as may be designated by him, shall have authority to inspect all commercial frozen food lockers within the State of Kentucky at such periods and intervals as the commissioner shall, in the exercise of a reasonable discretion, fix and determine. No search warrant or other legal process shall be required of any properly authorized person as a condition precedent to the making of the inspections herein authorized.

[(6) Any person who has legally taken a fur-bearing animal, or the raw fur thereof, may have the same in his possession fifteen days following the close of the season.]

[(7) A licensed fur buyer (resident or nonresident) may buy or have in his possession raw furs twenty days following the close of the season.]

[(8) A licensed fur processor may buy raw furs from a licensed fur buyer at any time during the period that a fur buyer is authorized by this section to sell raw furs, and the licensed fur processor is further authorized to hold raw furs in cold storage for the purpose of manufacture or processing, or to buy from or sell to another licensed processor, at any time in the year.]

Section 15. Section 150.320 of the Kentucky Rvised Statutes is amended to read as follows:

(1) No person shall take any wild bird [, (including exotic pheasants and partridges)] except game birds for which there is an open season, either under the laws of Kentucky and the regulations of the department or the laws of the United States, except those birds mentioned in subsection (2) of this section.

(2) This chapter does not protect or in any way limit the taking of [the coper's hawk, sharp-shinned hawk,) the crow, the starling, *or* the English sparrow [or the great horned owl], but any person taking any of them [with a gun] must have a hunting license. [and said gun must be plugged to hold not more than three shells in the magazine and chamber combined as specified in KRS 150.310.]

(3) No person shall take, disturb or destroy the nest or eggs of any wild birds.

Section 16. Sections 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild birds *or wild animal* except during the open season prescribed by the department for the particular species. [There shall be no open season for wild turkey, exotic pheasants or chukar partridge until the commissioner, with the approval of the commission, finds the conditions and populations warrant it. Then regulations shall be enacted to govern same.] No person shall take quail, ruffed grouse, [or] *wild turkey, rabbit, squirrel or deer* [native pheasant] except *during daylight hours.* [from sunrise to sunset.]

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt to do so, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) *as amended* and regulations under it.

(3) No person [over] sixteen years of age *or older* shall hunt any *waterfowl* [wild ducks, geese or brant] unless, at the time, in addition to the appropriate state hunting license, he has on his person a valid Migratory Bird Hunting Stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

Section 17. Section 150.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take more *wildlife* [wild birds] in any one day than the bag *or creel* limit prescribed for the species *by* [, but] the department. [shall not prescribe bag limits in excess of the following:]

[Quail ----------10]
[Ruffed Grouse or Native Pheasant----------4]
[Doves ----------Federal Regulations Apply]
[Ducks ----------Federal Regulations Apply]
[Geese ----------Federal Regulations Apply]
[Coots and Gallinules----------Federal Regulations Apply]

[Woodcock ----------Federal Regulations Apply]
[Snipe ----------Federal Regulations Apply]

(2) [No person shall have in his possession at any time any number of wild birds in excess of the bag limit as prescribed by the department for the particular species, except that] *A* person who has hunted two or more days in succession may transport as personal baggage a total of not more than twice the bag limit as set by *the* regulations for any one day. [for such birds, and a person may have in his possession, in cold storage locker, or provided in KRS 150.305, a number not exceeding two days' bag limit after the first day of the hunting season.]

*(3) Federal and state regulations shall apply to all migratory birds and waterfowl.*

Section 18. Section 150.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animals, *except fishes,* whether protected by this chapter or not, except by trapping, gig, bow and arrow, gun, gun and dog, [or] dog, *falconry, or as expressly prescribed by regulation.*

(2) No shotgun used in the taking of wild animals, protected or unprotected, shall be larger than [a] 10-gauge and fired from the shoulder. No wild animals, *except deer,* protected or unprotected, shall be taken with or by means of any automatic loading or hand operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece [metal or wooden] filler incapable of removal through the loading end thereof, in such manner as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. *Firearms shall not be used in the taking of fishes.*

(3) No person shall hunt wildlife (except opossum, [and] raccoon, *fishes* and frogs) with lights or other means designed to blind wildlife at night.

[(4) No person shall take frogs with a gig other than one of the following sizes and dimensions: The gig shall have not more than four prongs; no prong shall be longer than two and

one-half inches; the prongs shall be made out of not heavier than 14-gauge wire or metal, and shall not have more than one barb on each prong.]

Section 19. Section 150.365 of the Kentucky Revised Statutes is amended to read as follows:

*No game may be taken as the result of a fire* [No person shall use fire,] or any type of explosive, *sonic or electric device,* smoke or gas or in any other way molest or destroy the den, [or] hole or nest of any *wildlife* [animal], nor shall any person burn a field for the purpose of driving game, except employees *or agents* of the department [of Fish and Wildlife Resources] in carrying out investigational, research or improvement projects.

Section 20. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any *wildlife* [wild animal protected by this chapter] except during the open season for the particular species as prescribed by the department. [The open season for pond, bull or jumbo frogs shall be such period as the department may prescribe. There shall be no open season for otter or beaver.]

(2) Subsection (1) of this section shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; *and who during daylight hours only exercise and train rabbit dogs, raccoon dogs, bird dogs and retrievers, but not to kill.* [; but this exception in favor of sportsmen shall not extend to any one engaged in the business of a fur dealer or a trapper or a professional hunter.]

(3) The possession of any [wild animals, fur bearers, or the] raw fur [thereof,] when the season is not open for the particular species shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any [such animal or] fur by a trapper during the open season as prescribed by the department and *twenty* [fifteen] days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Section 21. Section 150.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take, pursue, or attempt to take or pursue or otherwise molest any elk, deer, wild turkey or bear unless the commissioner, with the approval of the commission, finds conditions and population that warrant an open season, then regulations shall be enacted to govern same.

(2) It shall be unlawful for any person to cast the rays of a spotlight, *jacklight,* [headlight,] or other artificial lighting devices on any highway or in any field, woodland, or forest, [upon any deer or rabbit with the intention to locate such game] while having in his possession, or under his control, a firearm or other implement by which *a* [such] deer or rabbit could be killed, even though such game be not shot at, injured or killed.

(3) It *is* [shall be] unlawful for any dog to chase or molest [in any manner any] deer *in any manner, at any time, or at any place.* [on any game refuse, or state park or on any other land.] Any conservation officer, peace officer, sheriff or constable may take necessary steps to stop, prevent, or bring under control any dog, or dogs, found chasing or molesting deer at any time.

(4) It shall be unlawful to shoot or attempt to shoot any wild birds or wild animals, protected or unprotected, [or any fur bearing animals] from an automobile, or other vehicle, at any time or place. *Boats may be used except as prohibited by state or federal regulations.*

Section 22. Section 150.445 of the Kentucky Revised Statutes is amended to read as follows:

No person shall [, within seven hundred yards of the Kentucky Dam on the Tennessee River at Gilbertsville, unless a shorter distance is prescribed by regulation of the department, nor within two hundred yards of any lock and dam on a navigable stream,] take fish *by any method* other than pole and line in hand, *for two hundred yards below any dam on or across any stream. Greater distances below any dam where methods of fishing other than by pole and line are prohibited shall be pre-*

*scribed by regulation.* [No person shall place or use any trotline, hand line, set line, throw line or snagline, or gig closer to any such lock or dam than the limits hereinabove prescribed.]

Section 23. Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department [of Fish and Wildlife Resources] shall promulgate reasonable regulations governing *the taking of* [seining for] minnows and *crayfish from* [crawfish in] the [public] waters of the Commonwealth. The regulations shall prescribe *the type of gear to be* [the length, width, and size of mesh of the seines] used, and shall prescribe the types of minnows and *crayfish* [crawfish] that may be taken and the purpoes for which they may be used.

(2) Any person possessing a commercial fishing license may take rough fish*es,* by the use of *commercial fishing gear, the types and* [seines and nets the types, length, width, mesh size and other] specifications of which shall be prescribed by the department regulations. [from the streams and waters of the Commonwealth.]

(3) No person shall operate or have in possession any *commercial fishing gear as prescribed by regulation* [seines or nets or snag lines] unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a [metal] tag for the use or possession of each *piece of commercial* fishing gear [net or seine] and has complied with the provisions of this chapter [.] *and the regulations of the department.* The [metal] tag shall be affixed to and displayed on *each piece of commercial fishing gear* [the seines, or nets and snag lines] at all times. This section shall not be construed to require *retail or* wholesale dealers, or manufacturers to obtain licenses and tags for *commercial fishing gear* [seines and nets] in their possession. [for the purpose of sale outside of the state, or retail dealers selling legal seines or legal nets.]

Section 24. Section 150.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person, firm or corporation, whether acting in a

private or public capacity, shall place or cause to be placed in any *stream or body of water* [public waters] any substance *or energy* that might injure, interfere with or cause the waters to be unfit for the support of aquatic life. When any employe of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance *or energy* in any *stream or body of water* [public waters], his act shall be prima facie evidence of the guilt of both the employe and the employer, and either one or both may be punished as provided in [paragraph (a) of] subsection (4) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employes *or agents* of the department acting in official capacity.

(2) No person shall use, or attempt to use any electrical device *(fish finding devices excepted)* of any type (such as telephone, or electrical leads from a magneto, or battery, or motor or any other type of electrical equipment) in any stream or body of water. This does not prevent the authorized employes *or agents* of the department from using this or any devices in research or investigational work.

(3) No person, *except employes or agents of the department,* shall willfully place or attempt to place in any *stream or body of water* [of the public waters] of the state any substance which has a poisonous [effect] or intoxicating effect upon aquatic life.

[(4) Conservation officers and other persons appointed by the commissioner and all peace officers have the authority to enforce KRS 220.580 to 220.990, known as the Water Pollution Control law.]

*(4) No person shall kill, injure, shock or stun or attempt to kill, injure, shock or stun any fishes by any explosive agent or other device. This provision shall not apply to employes or agents of the department acting in an official capacity.*

Section 25. Section 150.485 of the Kentucky Revised Statutes is amended to read as follows:

No person shall sell live *crayfish, mud eels, spring lizards, fish, aquatic invertebrates or amphibians for* bait to be used in

*taking fishes,* [angling] *nor live fishes for stocking or fishing purposes* unless he has obtained [from the commissioner] a live *fish and* bait dealer's license *from the department.* [No live bait dealer shall export any minnows or crawfish from this state or sell them to any non-resident to take the same out of the state.]

Section 26. Section 150.510 of the Kentucky Revised Statutes is amended to read as follows:

On or before December 31 of the year in which any mussel-ing license *or mussel buyer's license* is issued, the holder shall make a written report to the department stating the total weight of mussel shells taken under the license, the names and locations of the waters from which the mussels were taken and the amount received for shells sold. Upon the failure of any licensee to make such a report, the commissioner shall not issue another license until such report is made.

Section 27. If any provisions of this Act, or any provision of KRS Chapter 150, or the application thereto to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act, or other provisions or applications of KRS Chapter 150 which can be given effect without the invalid provision or application, and to this end the provisions of this Act, and by it the provisions of KRS Chapter 150, are severable.

Section 28. Section 150.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bird, fish or animal taken, possessed, bought, sold or transported and each device used or possessed contrary to the provisions of this chapter or any regulation adopted by the commissioner thereunder shall constitute a separate offense. The penalties prescribed in this section shall be for each offense.

(2) Any person who violates any of the provisions of this chapter or any regulations adopted by the commission hereunder, for which no definite fine or imprisonment is fixed by this section, shall be fined not less than fifteen dollars nor more than one hundred dollars.

(3) Any person who violates any of the provisions of subsection (3) of KRS 150.090, subsections (1) and (2) of KRS 150.180, KRS 150.300, [subsection (1) of KRS 150.310], KRS 150.330, subsection (2) of KRS 150.360, KRS 150.485 or KRS 150.600 shall be fined not less than twenty-five nor more than two hundred dollars or imprisoned for not more than six months, or both.

(4) [(a)] Any person who violates any of the provisions of [subsection (1) of] KRS 150.460 shall be fined not less than one hundred dollars nor more than *five hundred* [one thousand] dollars, or imprisoned for not more than six months, or both, [.] *and in addition to such penalties shall be liable to the department in an amount reasonably necessary to restock such fish or replenish such other wildlife which has been killed or destroyed.*

[(b) Any person who violates subsection (2) or subsection (3) of KRS 150.460 shall be guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one year nor more than three years and shall be fined not more than five hundred dollars.]

(5) Any licensee who violates any provisions of this chapter or any regulations adopted by the commissioner thereunder shall, in addition to the penalties provided in subsections (2), (3) and (4) of this section, forfeit his license *and shall not be permitted to purchase another license for the same calendar year.*

(6) Any county court clerk *or deputy* who knowingly makes a false entry upon a license record or report, in violation of subsection (2) of KRS 150.190 shall be fined not less than one hundred dollars nor more than five hundred dollars.

[(7) Any person who violates the provisions of subsection (2) of KRS 150.185 shall be fined not less than twenty-five dollars, nor more than two hundred dollars.]

*(7)* [(8)] Any person who violates any provisions of KRS 150.390 shall be fined not less than one hundred dollars, nor more than *five hundred* [one thousand] dollars.

*(8)* [(9)] Any person who violates KRS 150.525 shall be fined not less than twenty-five dollars, nor more than two hun-

dred dollars or imprisoned for not more than six months, or both.

*(9)* [(10)] Any person who violates any regulation which has been or may be hereafter adopted by the commission under any provisions of this chapter or which is adopted to supplement, explain, carry out or limit any provision of this chapter, shall be subject to the same penalty as is provided for the violation of any provisions of this chapter under which the regulation is adopted or which the regulation supplements, explains, carries out or limits.

*(10)* [(11)] Any person violating the provisions of subsection (1) of KRS 150.670, shall be fined not less than fifteen dollars nor more than one hundred dollars.

*(11) Any nonresident who violates KRS 150.235, subsection (3), shall be fined not less than fifty dollars nor more than two hundred dollars.*

*(12) No fines, penalty or judgment assessed or rendered under KRS Chapter 150 shall be suspended, reduced or remitted otherwise than expressly provided by law.*

Section 29. A new section of the Kentucky Revised Statutes is created to read as follows:

An owner, lessee or occupant of premises who gives permission to another person to hunt, fish, trap, camp or hike upon such premises shall owe no duty to keep the premises safe for entry or use by such person or to give warning of any hazardous conditions on such premises, and such owner, lessee or occupant, by giving such permission, does not thereby extend any assurance that the premises are safe for such purpose, or constitute the person to whom permission is granted an invitee to whom a duty of care is owed. The owner, lessee or occupant giving permission for any of the purposes stated above shall not be liable for any injury to any person or property caused by the negligent acts of any person to whom permission is granted. This section shall not limit the liability which would otherwise exist for willful and malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity; or for injury suffered in any case where permission to hunt, fish, trap, camp or hike was granted for a consideration other than the consideration, if any,

paid to said owner, lessee or occupant by the state. The word "premises" as used in this section includes lands, private ways and any buildings and structures thereon. Nothing in this act limits in any way any liability which otherwise exists.

Section 30. Sections 150.185, 150.310, 150.380, 150.500 and 150.590 of the Kentucky Revised Statutes are repealed.

Committee Amendment No. 1 to **HB 334** is as follows:

Amend printed copy of House Bill 334 on page 2, line 23, by: removing the brackets from the word "public"

and on page 36, line 3, by striking *"stream or body of water"* and removing the brackets from around the words "public waters"

and on page 36, lines 3 and 4, by striking the words *"or energy"*

and on page 36, line 7, by striking the words *"or energy"*

and on page 36, line 8, by striking the words *"stream or body of water"* and removing the brackets from the words "public waters"

and on page 36, lines 23 and 24, by striking the words *"stream or body of water"* and removing the brackets from the words "of the public waters"

Committee Amendment No. 2 to **HB 334** is as follows:

Amend printed copy of House Bill 334 on page 4, line 7, by: adding after the word *"States"* the words *"who are"*

and on page 4, line 8, by deleting the word *"who"*

and on page 35, line 11, by adding after the word "department" the word *"by"*

and on page 35, line 19, by striking the word *"and"* and adding in lieu thereof the word *"or"*

Committee Amendment No. 3 to **HB 334** is as follows:

Amend printed copy of House Bill 334 on page 7, line 15, by: inserting the following additional subsection:

*"(4) This subsection shall apply to KRS Chapter 150 and no other KRS Chapter pertaining to this subject shall apply to KRS Chapter 150."*

Committee Amendment No. 4 to **HB 334** is as follows:

Amend printed copy of House Bill 334 on pages 9 and 10, by:

striking Section 6 in its entirety beginning on page 9, line 25, and ending on page 11, line 12

Committee Amendment No. 5 to **HB 334** is as follows:

Amend printed copy of House Bill 334 on page 25, line 22, by:

adding at the end of line 22 the following *"/or"*

**HB 337,** AN ACT relating to the regulation and control of solid waste disposal sites and facilities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act unless the context clearly indicates otherwise:

(1) "Board" means the State Board of Health;

(2) "Department" means the State Department of Health;

(3) "Person" means any individual, public or private corporation, political subdivision, copartnership, association, firm or other legal entity;

(4) "Solid Waste" means all putrescible and nonputrescible refuse in solid form. Solid waste includes but is not limited to garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes, and special wastes including explosives, pathological wastes and radioactive materials;

(5) "Solid Waste Disposal Site or Facility" means any place at which solid waste is disposed of by incineration, landfilling or any other method.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

It is hereby declared to be the policy of this Commonwealth and the purpose of this Act to provide for the disposal of solid waste in a manner that will protect the public health and welfare,

prevent the spread of disease and creation of nuisances, conserve our natural resources, and enhance the beauty and quality of our environment.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

The Department shall supervise the operation, maintenance and establishment of solid waste disposal sites and facilities in order to achieve the objectives of this Act. The Department shall have and be entitled to exercise the following authority, powers and duties:

(1) To exercise general supervision of the administration and enforcement of this Act and the rules and regulations promulgated pursuant thereto;

(2) To develop a comprehensive program for the safe and sanitary disposition of solid wastes throughout the Commonwealth;

(3) To advise, consult and cooperate with other agencies of the Commonwealth, other states and the Federal Government and with affected groups and industries in the formulation and carrying out of the solid waste disposal program;

(4) To accept and administer loans and grants from the Federal Government and other sources for carrying out its functions under this Act;

(5) To examine and pass upon all plans and specifications for, and to inspect the construction and establishment of new solid waste disposal sites and facilities;

(6) To issue, continue in effect, revoke, modify or deny, under such conditions as the Department may prescribe, permits for the establishment or construction and the operation or maintenance of solid waste disposal sites and facilities;

(7) To make investigations or inspections which it deems necessary to insure compliance with any of the provisions of this Act, the rules and regulations promulgated pursuant thereto, and the orders of the Department issued pursuant thereto;

(8) To issue, after hearings, orders abating activities in violation of this Act or the regulations promulgated pursuant thereto and requiring the adoption of such remedial measures as the Department may deem necessary and proper to effectuate the provisions of this Act.

(9) To institute or cause to be instituted in a court of competent jurisdiction proceedings to compel compliance with the provisions of this Act, the rules and regulations promulgated pursuant thereto, and the orders of the Department issued pursuant thereto.

(10) To take all action necessary or appropriate to secure to the Commonwealth the benefits of the Federal Solid Waste Disposal Act (Public Law 89-272) as it exists or may be amended; and of such other Federal legislation as may hereafter be enacted to assist in the proper disposition of solid waste;

(11) To perform such other and further acts as may be necessary, proper or desirable in order to carry out the duties and responsibilities herein prescribed.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

The Department is hereby designated the single state agency for this state for all purposes of the Federal Solid Waste Disposal Act (Public Law 89-272) as it exists or may be amended and for the purposes of such other Federal legislation as may hereafter be enacted to assist in the proper disposal of solid waste.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

No person shall establish or construct, or operate, maintain or permit the use of a new solid waste disposal site or facility after the effective date of this Act without first having obtained from the Department a permit to establish or construct the site or facility or a permit to maintain and operate the site or facility pursuant to rules and regulations promulgated by the Board.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

No person who is operating, maintaining, or permitting the use of a solid waste disposal site or facility on the effective date of this Act, shall continue to operate, maintain or permit the use of such site or facility after the expiration of a period of six months after the effective date of this Act, without first having obtained from the Department a permit to operate, maintain or permit the use of the site or facility pursuant to rules and regulations promulgated by the Board.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

No person shall dispose of solid waste at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the Department.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

The Board shall adopt such rules and regulations of general application as it deems necessary for the accomplishment of the purposes of this Act. Such regulations shall provide the form and content of applications for construction permits and operational permits and for the submission of plans and specifications pursuant to this Act, and shall provide standards for the establishment, operation, maintenance, use and discontinuance of solid waste disposal sites and facilities.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

No provision of this Act shall be construed so as to prevent a person from disposing of solid waste from his own household upon his own land as long as such disposal does not create a nuisance or a hazard to health.

Section 10. A new section of the Kentucky Revised Statutes is created to read:

Notwithstanding the existence or pursuit of any other remedy, civil or criminal, the Department may maintain, in its own

name, an action to restrain or enjoin any violation of this Act, the rules and regulations promulgated pursuant thereto, or orders of the Department issued pursuant thereto.

Section 11. Any person who violates any of the provisions of this Act, any rule or regulation promulgated pursuant thereto, or any order of the Department issued pursuant thereto shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than thirty days or both. Each day of violation shall constitute a separate offense.

**HB 471,** AN ACT relating to wild birds.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 150.320 is amended to read:

(1) No person shall take, *kill, trap, molest or destroy* any wild bird (including exotic pheasants and partridges) except game birds for which there is an open season, either under the laws of Kentucky and the regulations of the department or the laws of the United States, except those birds mentioned in subsections (2) *and (4)* of this section.

(2) This chapter does not protect or in any way limit the taking of the *common* [cooper's hawk, sharp-shinned hawk, the] crow, *(Corvus brachyrhynchos),* the *European* starling *(Sturnus vulgaris), or* the *European house* [English] sparrow *(Passer domesticus)* [or the great horned owl,] but any person taking any of them with a gun must have a hunting license and said gun must be plugged to hold not more than three shells in the magazine and chamber combined as specified in KRS 150.310.

(3) No person shall take, disturb or destroy the nests or eggs of any wild birds.

*(4) This chapter does not limit the killing or trapping of the Cooper's hawk (Accipter cooperi), sharp-shinned hawk (Accipter Velox), or great horned owl (Bubo virginianus) while in the act of destroying poultry, cattle or property, by the owner or tenant.*

*(5) Each killing or trapping done under subsection (3) of this section shall be reported to the Department of Fish and Wildlife Resources, Frankfort, in writing within three days.*

*(6) No person shall display in public view any bird killed or trapped.*

Committee Amendment to **HB 471** is as follows:

Amend printed copy of House Bill 471 on page 2, line 12, by: substituting a comma for the period and adding thereto the following: "stating the date of the killing or trapping, the kind and number of species involved, and any other information which the department may consider necessary."

The Committee on Agriculture and Natural Resources reported **SB 12, SB 86** and **SR 31** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 12**, AN ACT relating to fish and wildlife.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 150.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (2), (3), (4), (5), [and] (6) *and (7)* of this section, and subject to regulations adopted under this chapter, no person shall do any act authorized by any kind of license or permit, or assist in any way any person in doing any act provided for in this chapter with respect to game and fish unless he holds the kind of license or permit that authorizes such act. It is the specific purpose of this chapter to prohibit the taking or pursuing of any wild life or wild animals, protected or unprotected, or the angling in any stream or body of water, whether public or private, without first procuring the license provided for herein, except to such extent as may be otherwise provided in this section.

(2) A person under sixteen years of age may, without a fishing license, take fish by angling, or take minnows by the use of a minnow seine.

(3) The resident owner of farmlands, his wife, or children, or tenants and their children, residing upon said farmland shall, without procuring license, have the right to take fish or hunt during the open season (except trapping) on said farmlands of which they are bona fide owners, or wife or children of such owners, or tenants or children of such tenants.

(4) Residents or nonresidents attending and participating in any annual state or national field trial may so attend and participate without obtaining a hunting license.

(5) Any resident of this state who is sixty-five years of age or older may, without a hunting or fishing license, do any act authorized by such a license, and may take or pursue deer without a big game permit or other permit required by law or regulation, but while so doing he must carry upon his person an affidavit stating the year and place of his birth.

*(6) Any resident serviceman on furlough of more than three days may, in the county of his legal residence at the time of his entrance into the service, without a hunting or fishing license, do any act authorized by such license, but while so doing he must carry on his person proper identification and papers showing his furlough status.*

*(7)* [(6)] The provisions of this chapter for the protection of wild animals shall not apply to resident landowners of this state who kill on their land any wild animal causing damage to such land or any personal property situated thereon. Upon destruction of any animal or bird by a landowner such act must be reported to the Department of Fish and Wildlife Resources or the resident conservation officer for the proper disposition of the carcass.

*(8)* [(7)] In the event a reciprocal agreement is entered into between the Commissioner of the Department of Fish and Wildlife Resources of this state, with the approval of the commission, and the similar authority, of the state of Tennessee, pursuant to which persons holding a fishing license (resident or nonresident) or a state-wide hunting license (resident or nonresident) issued in this state are permitted to perform the acts authorized by such license upon so much of the waters of any

lake, extending across the boundary between Kentucky and Tennessee, as lies within the State of Tennessee, then any person holding a similar fishing license or hunting license issued in the State of Tennessee may, during the duration of such agreement, perform the acts authorized by such license upon so much of the waters of such lake as lies within this state, without having obtained a license therefor in this state.

**SB 86,** AN ACT relating to agricultural cooperative associations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 272.011 is amended to read:

As used in KRS 272.011, 272.101 to 272.341, unless the context otherwise requires:

(1) "Agricultural products" includes horticultural, viticultural, florticultural, forestry, dairy, livestock, poultry, bee, and any farm products;

(2) "Association" means a corporation organized under KRS 272.121 to 272.341; or a corporation which is organized under any general or special act of *this state or* another state, the United States, or the District of Columbia as a [cooperative] corporation or association for the mutual benefit of its members and other patrons, and which confines its operations in this state to the purposes specified in KRS *272.111* [272.121 to 272.341], and restricts the return on the stock or membership capital, and the amount of its business with nonmembers to the limits placed thereon by KRS 272.121 to 272.341 for cooperative association organized hereunder, and which is authorized to transact business in this state. Such an association shall be classed as and deemed to be a nonprofit corporation, since its primary object is not to make profits for itself, as such, or to pay dividends or invest its capital, but to provide service and a means whereby its members may have the economic advantage of cooperative action, including a reasonable and fair return for their products or service;

(3) "Member" means the holder of a membership in an association without capital stock (whether evidenced by a cer-

tificate of membership or other means of identification, including but not limited to the association records) or means the holder of voting stock in an association organized with capital stock;

(4) "Board" means the board of directors of the association;

(5) "Person" includes individuals, firms, partnerships, corporations, and associations.

Section 2. KRS 272.151 is amended to read:

(1) Each association shall within thirty days after its incorporation, adopt for its government and management a code of bylaws. The affirmative vote of not less than two-thirds of the members present and voting at a meeting, of which reasonable notice of the proposed bylaws shall have been given, is sufficient to adopt such bylaws.

(2) An association in its bylaws may provide for any, or all, of the following:

(a) The time, place, and manner of calling and conducting its meetings.

(b) The number of members constituting a quorum.

(c) The right of members to vote by proxy or by mail, or by both, and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The offices, qualifications, compensations, duties and terms of office of directors and officers; time of their election, and the mode and manner of giving notice thereof.

(f) Penalties of violations of the bylaws.

(g) The amount of entrance, organization, and membership fees; if any; the manner and method of collection of the same, and the purposes for which they may be used.

(h) The amount which each member shall be required to pay annually, or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member directly or by utilization of retained earnings for services rendered by the association to him, and the time of payment and the manner of collection; and the marketing agreement between

the association and its members, which every member may be required to sign.

(i) The number and qualification of members of the association and the conditions precedent to membership; the method, time, and manner of permitting members to withdraw; the manner of assignment and transfer of the interest of members, and of stock; the conditions upon which, and the time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner, and effect of the expulsion of a member, manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member, or upon the expulsion of a member or forfeiture of his membership, or at the option of the association, by conclusive appraisal by the board.

(3) *Unless provided otherwise in an association's bylaws, the board shall equitably and conclusively appraise the value of a withdrawing or expelled member's property interest in the association and shall fix the amount thereof in money and shall determine the manner in which the association shall pay the member the value of his interest.* [In case of the withdrawal or the expulsion of a member, the board shall equitably and conclusively appraise the member's property interests in the association, and shall fix the amount thereof in money, which shall be paid to the member within one year after such expulsion or withdrawal.]

(4) The bylaws of an association may be amended, changed, or altered at any time by the affirmative vote of not less than two-thirds of the members of the board present and voting at any regular or special meeting of the board of directors duly called and held.

Section 3. KRS 272.211 is amended to read:

An association has the following powers:

(1) To engage in any activity in connection with the producing, marketing, selling, harvesting, preserving, drying, processing, canning, packaging, grading, storing, handling, or utilization of any agricultural products produced or delivered to it by

its members and others; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members and others of supplies, machinery, or furnishing services of economic or educational nature; or in any one or more of the activities specified in this section.

(2) To limit its business activities to those performed only for its members. If an association transacts business with non-members, the same must not exceed in amount the total business transacted by the association for its members.

(3) To borrow money without limitation as to amount of indebtedness, and to make advances to members and others.

(4) To act as the agent or representative of any members, or others, in any of the activities referred to in subsection (1) hereof.

(5) Acquire, hold, own, and sell, transfer, pledge or guarantee the payment of dividends or interest on, or in the retirement or redemption of, shares of the capital stock or bonds of any association or corporation.

(6) To establish and accumulate reasonable reserves.

(7) To buy, hold, or exercise all privileges of ownership, over such real or personal property as is necessary or convenient for the conduct and operation of, or incidental to, the business of the association.

(8) To do each and everything necessary, suitable, or proper for the accomplishment of any one or more of the purposes, or the attainment of any one or more of the objectives herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers, and privileges granted by the laws of this state to corporations generally, except such as are inconsistent with the express provisions of KRS 272.011, 272.101 to 272.341, and to do any such thing anywhere.

*(9) To sue and be sued in its corporate name.*

Section 4. KRS 272.231 is amended to read:

An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other association or corporation (hereinafter referred to as a subsidiary association). An association may have included in the articles of incorporation or bylaws of a subsidiary association provisions for the control or management of the subsidiary association by the association to such extent as shall by the board of the association, and the members of the subsidiary association, *be declared to be for the best interests of the association and the subsidiary association,* respectively. Such provisions may be so included in the articles of incorporation or bylaws of a subsidiary association and may by way of illustration, but not of limitation, include the following:

(1) Representation of the association on the board or other governing body of the subsidiary association, upon such terms as may be deemed advisable.

(2) Ownership by the association of an interest, or interests, in the subsidiary association represented by capital stock of any class thereof or otherwise, to such extent and upon such terms, and with such voting power, as may be deemed advisable.

(3) Participation by the association in the savings of the subsidiary association to such extent and upon such terms as shall be deemed advisable.

Section 5. KRS 272.261 is amended to read:

(1) Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten percent of the membership, requesting the officer's or director's removal. The removal shall be voted upon at the next regular or special meeting of the association. By an affirmative vote of not less than two-thirds of the votes entitled to be cast by members present in person, or by proxy (if permitted by the bylaws), and voting, the association may remove such officer or director. The director or officer against whom such charges have been brought shall be informed in writing of the charges prior to the meeting, and shall have an opportunity at the meeting to be heard in person

or by counsel, and to present witnesses; and, the person, or persons, bringing the charges shall have the same opportunity.

(2) If an association's bylaws provide for election of directors by districts, the petition for removal of a director must be signed by not less than twenty percent of the members residing in the district from which the director was elected. The board *may* [shall] call a special meeting of the members residing in that district to consider the removal of the director. By an affirmative vote of not less than two-thirds of the votes entitled to be cast by members present in person, or by proxy (if permitted by the bylaws) and voting, at such meeting duly called and held, the director in question shall be removed from office; except that this section does not apply to directors appointed under subsection (3) of KRS 272.171.

Section 6. KRS 272.311 is amended to read:

(1) A plan of merger or consolidation shall be adopted in the following manner:

(a) The board of each merging or consolidating association shall adopt a resolution approving the proposed plan, and directing that it be submitted to a vote at a meeting of the association members, which may be at either an annual or a special meeting. Written or printed notice of the meeting shall be given to each member of the association entitled to vote at such meeting. The notice shall state that the proposed plan of merger or consolidation will be considered an dacted upon at the meeting, and a copy or a summary of the plan of merger or plan of consolidation shall be included in or enclosed with such notice. [The notice shall contain a statement, displayed with reasonable prominence, to the effect that objecting members are entitled, upon compliance with KRS 272.321, including the twenty-day demand requirement, to be paid the fair market value of their stock or other property rights or interest in the association, but failure of the notice to contain such a statement does not invalidate the merger or consolidation.] Each notice shall be mailed by first-class mail at such time that not less than ten full days shall elapse between the date of mailing the notice and the date of the meeting, and shall be mailed to each member of the association at his last known address as it appears on the records

of the association. The proposed plan shall be adopted by the affirmative vote of not less than two-thirds of the votes entitled to be cast by members present in person, or by proxy (if permitted by the bylaws), and voting at such meeting.

(b) By the affirmative vote of not less than two-thirds of its members, the board of directors of a parent association may approve on behalf of a wholly-owned subsidiary association a plan of merger or consolidation.

(c) After the approval by the members, and at any time prior to the filing of articles of merger or articles of consolidation, the merger or consolidation may be abandoned pursuant to provisions set forth in the plan of merger or consolidation.

(2) Upon the approval of the members, articles of merger or articles of consolidation shall be executed, filed and recorded as provided in KRS 271.470 (3). A copy of the articles of merger or articles of consolidation endorsed by the Secretary of State, with the fact and time of recording in his office, shall be filed with the Dean of the College of Agriculture of the University of Kentucky and with the Commissioner, Department of Agriculture.

(3) The articles of merger or the articles of consolidation shall set forth:

(a) The plan of merger or the plan of consolidation; and

(b) A statement setting forth the date of the meeting of the members of each association at which the plan was adopted; that the meeting was duly called and that a quorum was present; and that such plan received an affirmative vote of not less than two-thirds of the votes entitled to be cast by members.

(4) The time when the merger or consolidation is effected is determined by the provisions of KRS 271.480.

(5) When the merger or consolidation has been effected:

(a) The several associations, parties to the plan of merger or plan of consolidation, shall be a single association which, in the case of a merger, shall be the association designated as the surviving association, and, in the case of a consolidation, shall be the new association.

(b) The separate existence of all associations which are

parties to the plan of merger or plan of consolidation, except the surviving association or new association, shall cease.

(c) The surviving association or new association shall have all the rights, privileges, franchise, immunities, and powers and shall be subject to all the duties and liabilities of an association organized under KRS 272.011, 272.101 to 272.341.

(d) The surviving association or new association shall, to the extent consistent with its articles of incorporation as established or changed by the merger or consolidation, possess all the rights, privileges, immunities, and franchises, of both public and private nature, of each of the merging or consolidating associations; and all property, real, personal and mixed; and all debts due on any account; and all choses in action; and every other interest, of or belonging to or due to each of the associations so merged or conolidated, shall be taken and deemed to be transferred to and vested in such surviving association or new association without further act or deed; and the title to any real estate, wheresoever situated, or any interest therein, shall vest in the surviving association or new association and shall not revert or be in any way impaired by reason of the merger or consolidation.

(e) The surviving association or new association shall be responsible for all the liabilities, contracts or other obligations and penalties of each of the associations so merged or consolidated; and any claim existing or action or proceeding, civil or criminal, pending by or against any of the associations may be prosecuted as if the merger or consolidation had not taken place, or the surviving association or new association may be substituted in its place; and any judgments rendered against any of the merged or consolidated associations may be enforced against the surviving association or new association. Neither the rights of creditors nor any liens upon the property of any merged or consolidated association shall be impaired by the merger or consolidation.

(f) The articles of incorporation of a surviving association shall be deemed to be amended to the extent, if any, that changes in its articles of incorporation are stated in the plan of merger. The articles of consolidation of a new association shall be deemed to be its articles of incorporation.

Section 7. A new section of Kentucky Revised Statutes is created to read:

The provisions of KRS Chapter 292 shall not apply to any note, bond, or other evidence of indebtedness issued by an agricultural cooperative association organized under or which has adopted the provisions of KRS 272.101 to 272.341 or to any mortgage, deed of trust, or other instrument executed to secure the same. The provisions of KRS Chapter 292, 136.060 and 136.070, shall not apply to the issuance of membership certificates, shares of stock or any other evidence of member, shareholder, or patron interest by any such agricultural cooperative association.

Section 8. Section 272.271 of the Kentucky Revised Statutes is repealed.

**SR 31,** A CONCURRENT RESOLUTION requesting and petitioning the United States Corps of Engineers to construct a lake on the west fork of Clarks River about three miles south of Symsonia in Graves County, Kentucky, for the purpose of aiding in flood control of thousands of acres of land in Graves, McCracken and Marshall Counties with the additional advantages of recreation for the area, potential home sites and industrial locations in the area and a fresh water supply for water districts for industrial and domestic uses.

WHEREAS, thousands of acres of land in Graves, McCracken and Marshall Counties have been damaged periodically for the past several years with disastrous floods and threats of floods, causing great losses to homes and businesses; and,

WHEREAS, the formation of a lake by construction of a dam on the west fork of Clarks River about three miles south of Symsonia in Graves County, Kentucky, would not only rectify the threat of impending danger, damage and disaster due to floods in the area but also would brighten the future of Graves, McCracken and Marshall Counties and all of Western Kentucky by augmenting the industrial and recreational potential for economic and social development;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

That the federal authorities having control thereof be and it is requested that they proceed with the formation of a lake by construction of a dam on the west fork of Clarks River about three miles south of Symsonia in Graves County, Kentucky, at the earliest possible time; and,

Be it further resolved that a copy of this resolution be forwarded by the Clerk of the Senate to the President of the United States, the Secretaries of Interior, Agriculture and Defense of the United States, to Senators John Sherman Cooper and Thruston B. Morton and to Congressman Frank Albert Stubblefield and other Representatives of Kentucky in the Congress of the United States.

The Committee on Public Utilities and Transportation reported **HB 393** with the expression of opinion that the same should not pass.

The Committee on Banking and Insurance reported **HB 346, HB 373** with Committee Amendment attached thereto, **SB 180,** and **SB 225** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 346,** AN ACT relating to insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of Chapter 304 of the Kentucky Revised Statutes is created to read as follows:

Except life and disability insurers, every insurer doing business in this state shall

(1) Maintain at least one central office in this state which is, within seventy-two hours of an accident or loss which could give rise to a claim under any policy in force, reasonably accessible to its policyholders or claimants thereunder, in person or by the usual and customary means of communication, to receive and

begin to process reports or notices of such accident or loss. Such insurers shall notify, as soon as reasonably practical, each of its licensed agents in this state, as to the exact location, mailing address and telephone number of such office, and any change thereof.

(2) Insurers who designate any two of the following as authorized claims representatives who meet the requirements of Subsection (1) shall be deemed in compliance with this Act: (a) licensed agents, (b) licensed attorneys-at-law, (c) licensed insurance adjusters.

(3) Failure to comply with the provisions of this Act shall, after a hearing, constitute grounds for the refusal, revocation or suspension of authority by the Commissioner.

**HB 373,** AN ACT relating to group insurance benefits for officials and employes of institutions of higher learning.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of KRS Chapter 164 is created to read as follows:

Each state college and university may form its employes and officials into a group or groups or recognize existing groups for the purpose of obtaining the advantages of group life, disability, medical, and dental insurance or any group insurance plans to aid its employes and officials, as long as they remain employes or officials of the state college or university. Any state college or university may pay all or any part of the premium on the policies, and may deduct from the salaries of the employes and officials that part of the premium which is to be paid by them and may contract with the insurer to provide the above benefits.

Committee Amendment to **HB 373** is as follows:

Amend printed copy of House Bill 373 on page 1, lines 6, 7, by:

striking the words "or any group insurance plans to aid its employes and officials"

**SB 180,** AN ACT relating to qualifications of bank examiners.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 287.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Banking *and Securities* shall appoint a sufficient number of examiners and assistant examiners to examine all institutions coming under the supervision of the Department of Banking *and Securities.* A salary schedule for examiners and assistant examiners shall be prepared by the commissioner and presented to the Commissioner of Finance for his approval. In the event an advisory State Banking Board is established by law, the appointment and compensation of examiners and assistant examiners shall be with the advice of such board.

(2) Each examiner and assistant examiner of the Department of Banking *and Securities* shall be a resident and a citizen of this state, shall be a practical bookkeeper and accountant and shall have had not less than *two* [four] years' actual experience as an officer or clerk in a bank, trust company, *savings* [building] and loan association, *and/or be a graduate of an acceptable college or university.*

(3) The Commissioner of Banking *and Securities,* the deputy commissioner and each examiner shall take the Constitutional oath of office.

(4) Neither the Commissioner of Banking *and Securities,* nor the deputy commissioner, nor any examiner or assistant examiner shall be indebted directly or indirectly either as borrower, endorser, surety or guarantor, to any bank or trust company under his supervision or subject to his examination, nor shall he be a director, officer or employe in such bank or trust company, nor engage or become interested in the sale of securities as a business or in the negotiation of loans for others.

(5) No person shall be assigned to examine the affairs of any bank or trust company in a county in which he holds stock in either a state or national bank or trust company.

**SB 225,** AN ACT relating to domestic life insurance companies.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

(1) A domestic life insurer may acquire and retain, as a permitted investment, capital stock of any life insurance company, burial association, or corporation engaged in the issuance of burial contracts, whether incorporated under the laws of this state or another state, provided that upon consummation of the acquisition the domestic life insurer holds a majority interest in the outstanding voting stock of such corporation. Such acquisition may be for cash or in exchange for capital stock of the domestic life insurer, issued by it for such purpose, or partly for cash and partly in exchange for capital stock.

(2) The amount invested by a domestic life insurer in acquiring such capital stock for cash shall not, in the aggregate, exceed twenty-five percent of the amount by which its capital and surplus exceeds the minimum paid-up capital and surplus required to qualify for authority to transact business as a life insurer in this state.

(3) (a) If the acquisition of such capital stock is wholly or in part in exchange for capital stock of the domestic life insurer, the domestic life insurer shall, prior to the issuance or exchange of such stock, submit to the Commissioner of Insurance three copies of a plan of acquisition. Such copies of the plan shall be accompanied by 1. financial statements of the domestic life insurer for its last preceding fiscal year, and financial statements of the corporation, capital stock of which is to be acquired, for its last preceding fiscal year, if it has been in existence for one or more complete fiscal years, otherwise financial statements as of a date within sixty days of the date of submission, 2. a written statement which sets forth the identity of officers and directors of the domestic life insurer and of the corporation, capital stock of which is to be acquired, and 3. any other information which the Commissioner may require with respect to such plan.

(b) If the plan of acquisition does not involve a public offering, the Commissioner shall issue an order approving the plan of acquisition as submitted to him by the domestic life insurer, with such modifications therein as the board of directors of the domestic life insurer shall approve, if he finds 1. that the plan, including all such modifications, if effected, will not adversely affect the financial stability or management of the domestic life insurer or the general capacity of the domestic life insurer or of the corporation, capital stock of which is to be acquired, to continue the safe and prudent transaction of its business, 2. that the interests of the policyholders and shareholders of the domestic life insurer and the policyholders of the corporation, capital stock of which is to be acquired, are not adversely affected, and 3. that the plan of acquisition is consistent with law and does not conflict with the public interest.

(c) If the plan of acquisition involves a public offering:

1. The Commissioner of Insurance shall hold a public hearing upon the terms, conditions and provisions of the proposed plan. At such hearing the shareholders and the policyholders of the domestic life insurer, the shareholders and policyholders of the corporation, capital stock of which is to be acquired, and any other interested parties shall have the right to appear and to become parties of the proceedings.

2. Such hearing shall be commenced not less than twenty days after the date on which the plan of acquisition is presented to the Commissioner. The hearing shall be held at such place, date and time as the Commissioner shall specify. Notice of the hearing shall be published in the city or cities wherein are located the registered office of the domestic life insurer and the registered office of the corporation, capital stock of which is to be acquired, in accordance with the provisions of KRS Chapter 424. Written notice of the hearing shall be given by the domestic life insurer to its stockholders and shall be given to the stockholders of the corporation, capital stock of which is to be acquired, either by the domestic life insurer or by such corporation, which notice shall be given by depositing, not less than ten days prior to the hearing, such notice of the United States mail, postage prepaid, and addressed to each such shareholder at his address appearing on the books of the corporation of which he is a share-

holder. All expenses of publication shall be borne by the domestic life insurer or the corporation, capital stock of which is to be acquired, or both.

3. The Commissioner shall issue an order approving the plan of acquisition as submitted to him by the domestic life insurer, with such modifications therein as the board of directors of the domestic life insurer shall approve, if he finds i. that the plan, including all such modifications, if effected, will not adversely affect the financial stability or management of the domestic life insurer or the general capacity of the domestic life insurer or of the corporation, capital stock of which is to be acquired, to continue the safe and prudent transaction of its business, ii. that the interests of the policyholders and shareholders of the domestic life insurer and the policyholders and shareholders of the corporation, capital stock of which is to be acquired, are not adversely affected, iii. that the terms and conditions of the plan of acquisition and the proposed issuance and exchange are fair and reasonable, and iv. that the plan of acquisition is consistent with law and will not conflict with the public interest.

(d) If the Commissioner fails to approve the plan, he shall state his reasons for such failure in his order. Any order issued by the Commissioner hereunder shall be subject to court review in accordance with the provisions of KRS 304.050.

(4) Investments permitted hereunder shall not be subject to the limitations or restrictions set out in KRS Chapter 304 and shall not be subject to the provisions of KRS 304.388 (3).

(5) "Domestic life insurer" as used herein means life insurance company, organized under the laws of this state.

Committee Amendment to **SB 225** is as follows:

Amend printed copy of Senate Bill 225 on page 2, line 2, by: striking the words "twenty-five" and substituting in lieu thereof the word "fifty."

The Committee on Banking and Insurance reported **HB 252** with the expression of opinion that the same should not pass.

The Committee on Banking and Insurance reported **HB 245** and **HB 251** without expression of opinion.

The Committee on State Government reported **HB 404, HB 405, HB 460, HB 477** with Committee Amendment attached thereto, **HB 479, HB 459, HB 462, HB 494, HR 57, HR 64, HR 54, HR 76, HR 38, HR 52, HR 69, SR 20** and **SR 29** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 404**, AN ACT providing for the creation of public foundations, and regulating their use.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Research" means scientific, agricultural, technical and economic research and the practical application of such research.

(2) "State Agency" means any state administrative body, agency, department or division as defined in KRS Ch. 12, or any board, commission, institution, university, college or group exercising any function of the state.

Section 2. Any state agency authorized by statute to accept money or property from the Federal government, or from any other public or private source, may create a non-profit, nonstock Public Foundation to receive, administer and expend such money or property for the use and benefit of such state agency.

Section 3. Such Public Foundation may be created only upon the resolution of the state agency's governing body, or upon the order of its administrative head, and upon the filing of Articles of Foundation, as provided herein, by one or more incorporators.

Section 4. Articles of Foundation shall be prepared and signed in triplicate original by each incorporator, and shall state in the English language:

(1) The name of the Foundation;

(2) Its purpose;

(3) Its duration, which may be perpetual;

(4) The place in this state where the principal office of the Public Foundation is to be located, and the name and address of its resident agent for service of process;

(5) The names and addresses of its Trustees, not less than three, who are to serve until the first annual meeting or other meeting called for the purpose of electing a Board of Trustees.

Section 5. The Articles of Foundation shall be filed and recorded, and a certificate of the incorporation of the Public Foundation shall be issued, in the same manner as provided in KRS 271.055 for business corporations, except that no fees therefore shall be required.

Section 6. Upon the issuance of the certificate of incorporation of the Public Foundation, the corporate existence of such Foundation shall begin, and the trustees provided for in the Articles of Foundation shall constitute the body corporate. The provisions of KRS 271.015 and 271.115 as to the validity and effect of certificates of incorporation, and the effect of filing and recording certain papers, shall apply to Public Foundations organized under this Act.

Section 7. Each Public Foundation organized under this Act shall have the power:

(1) To have a corporate seal, and alter it at its pleasure;

(2) To continue as a Public Foundation for the time prescribed in its Articles of Foundation, or if no time limit is specified, then perpetually;

(3) To sue and be sued, to contract and be contracted with, in its corporate name;

(4) To accept gifts, devises, grants and other contributions of money or property and to carry out terms, conditions or requirements prescribed by the donor, not prohibited by law;

(5) To acquire, hold, administer and dispose of such property as its purposes may require, but in the acquisition, disposition or financing of real property, or any interest therein, such

Public Foundation shall be deemed a "state agency" within the meaning of KRS Ch. 56.

Section 8. The members of such Public Foundation shall be the officers of the creating state agency, and the members of its Board of Trustees shall be appointed by the creating agency through such agency's governing body upon such terms and conditions as it sees fit.

Section 9. A Public Foundation organized under this Act shall be dissolved upon the majority vote of its Board of Trustees, or upon the official act of the state agency creating it, by act of its governing body. Upon dissolution, all assets of the Public Foundation shall vest in the state agency creating it, subject to the terms, conditions, or uses lawfully prescribed by the donors of such assets to such foundation.

Section 10. Such Public Foundations shall have the power to contract for the conduct, coordination, direction or administration of research programs or projects sponsored or promoted by the Federal government, or any of its agencies, or by industry, industrial associations, educational institutions, or other persons, associations, firms, corporations or foundations.

Section 11. Public Foundations organized under this Act shall prepare annually a report of its activities, and a statement of its financial operations, including its receipts and expenditures, general funds, restricted, endowment or annuity funds, and changes in such funds or in investments, which statement shall be confirmed by external audit by a certified public accountant. Such Public Foundation shall file copies of such annual report and financial statement with the state agency creating it, the Governor, the Auditor of Public Accounts, the Legislative Auditor, the Attorney General, the Commissioner of Finance and the Legislative Research Commission. The books and records of such public foundation, including documents of contract, award, or gift, shall be open to inspection and review at any time by any of the officers, or designated agents of the officers, with whom reports and financial statements are required to be filed.

Section 12. Public Foundations accepting or contracting for research projects or programs shall not accumulate or retain in any one year more than ten percent of the net earnings realized from completed research projects or programs, and net earnings in excess of that authorized to be accumulated, shall be paid to the state agency creating such foundation without restrictions as to use. "Net earnings" as used above shall represent the gross receipts from the project or program less the direct cost of completing it.

Section 13. All non-profit non-stock corporations formed by any state agency and in existence on the effective date of this Act, of a character and for purposes consistent with this Act, shall be deemed to have been incorporated under the provisions of this Act.

**HB 405,** AN ACT relating to state lands and buildings.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 56.440 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Commission" means the State Property and Buildings Commission.

(2) "Real estate" includes lands together with improvements thereon and appurtenances thereto.

(3) "Building" includes any structure or improvement upon real estate of a permanent nature; and additionally includes any sites, structures, equipment, machinery or devices for the purpose of establishing, developing or furthering television in aid of education or in aid of any other proper public functions, whether or not the same would otherwise be legally defined as buildings.

(4) "Building project" includes the construction, reconstruction and structural maintenance of buildings, the installation of utility services, including roads and sewers, and the purchase and installation of equipment, facilities and furnishings of a

permanent nature for buildings, and the purchase and installation initially of movable equipment, furnishings and appurtenances necessary to make a building operable, and for television purposes as referred to in subsection (3) of this section.

(5) "State agency" means any state administrative body, agency, department or division as defined in KRS Chapter 12[.], *or any board, commission, institution, division, university, college, board or group exercising any function of the state.*

(6) "Department" means the Department of Finance.

**HB 460,** AN ACT relating to nudists.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 232.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, "nudist" means any person who displays any part of his private person naked before persons of the opposite sex, not his husband or wife, at their solicitation or with their consent, for religious or health purposes, *excepting for purposes of examination and treatment by physicians.*

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

No person shall own or operate a nudist society unless he first secures a license from the county court in the county in which the nudist society will be located. Any person who desires a license shall file an application with the county clerk setting forth the name and address of the owner of the premises upon which the nudist society will be located and the name of the operator, the occupation of the owner or operator, the reason for forming the society and its purpose, the location of the area of the proposed nudist society, and a description of the physical facilities and precautions to be taken which will assure privacy of members and concealment and reasonable isolation of the nudists from the public. If the county court finds that the character of the applicant is good, the nudist society is proposed to be conducted for religious or health purposes, the facilities appear

adequate and the nudist society will be so located or screened or housed, and so operated, as to give reasonable assurance that its activities will be effectively concealed and its members reasonably isolated from the ordinary view and presence of the general public, the county court shall issue the license upon payment of a fee of one hundred dollars. Each license to operate a nudist society shall expire one year from issuance but may be renewed annually upon payment of a renewal fee of fifty dollars.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

A license to operate a nudist society may be revoked by order of the county court at any time, following a hearing upon reasonable notice to the licensee and a finding by the county judge that:

(1) The activities of the nudist society are not being effectively concealed from the ordinary view of the public, or

(2) The activities of the nudist society are not sufficiently isolated from the public, or sufficient precautions are not being taken to exclude the presence of non-members, or

(3) The nudist society is not being operated in accordance with the purpose for which it was licensed, or

(4) Conviction of the owner or operator of a felony, or a misdemeanor involving disorder or breach of the peace arising out of the operation of the nudist society.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

Each licensed nudist society shall be subject to such reasonable inspection by the sheriff or deputies designated by him as may reasonably be deemed necessary to enforce this Act, and acting in a reasonable manner sheriffs or deputy sheriffs shall have the right to go upon the private property and gain access to the buildings or enclosures of licensed nudist societies. The owner, operator, or person in charge of a nudist society shall keep a register of names and addresses of members of the society which shall be made available for inspection by proper authorities upon order of the county judge.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person who owns or operates a nudist society, whether for religious or health purposes, without a valid license from the county court shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned in the county jail for not less than ten nor more than thirty days, or both fined and imprisoned.

Section 6. Sections 232.020, 232.030, 232.040, 232.050 and 232.990 of the Kentucky Revised Statutes are hereby repealed.

**HB 477,** AN ACT relating to state archives and records.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 171.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 171.410 to 171.740 the word "records" means all books, papers, maps, photographs, and other documentary materials, regardless of physical form or characteristics, made or received by an agency of the state government in pursuance of the state law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of data contained therein.

[(2) As used in KRS 171.410 to 171.740, "Archives and Records Service," "service," "Director of the Archives and Records Service" and "director" mean "Department of Finance."]

[(3) As used in KRS 171.450, 171.460, 171.470, 171.480, 171.500, 171.510, 171.520, 171.530, 171.540, 171.550, 171.560, 171.570, 171.580, 171.590, 171.600, 171.610, 171.620, 171.630, 171.660 and 171.680, "State Archives and Records Commission" and "commission" mean "Department of Finance."]

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The State Archives and Records Commission, hereinafter referred to in this Act as the commission, is hereby created and shall be a nine member body constituted as follows: Three members appointed by the Governor from the state-at-large, one member appointed by the Governor from a list of three persons submitted by a president of the University of Kentucky, one member appointed by the Governor from a list of three persons submitted by the president of the University of Louisville, one member appointed by the Governor from a list of five persons with one name submitted by each of the presidents of the state colleges, the Attorney General of the Commonwealth, and one each appointed by the Governor from a list of three persons submitted by the Kentucky Historical Society and the Filson Club respectively; provided that three of the initial appointments under this Act shall be for a term of four years, and two appointments each shall be for terms of three, two, and one years, respectively. The Governor shall designate a chairman from among the commission membership. Vacancies shall be filled by the Governor in the same manner as initial appointments are made. All members shall serve for a term of four years. The commission shall appoint a Director of the Archives and Records Service, hereinafter referred to as the director, who shall act as secretary. The director shall not be a member of the commission nor shall he have a right to vote on commission measures. The director shall serve at the pleasure of the commission.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

There is hereby created an Archives and Records Service. A professionally qualified director and associate director of the Archives and Records Service shall be appointed by the commission and shall receive such compensation for their services as is determined and fixed by the commission. The director shall have over-all administrative responsibility for the Archives and Records Service. The director may employ such personnel, purchase such equipment, and provide such facilities as may be required in the execution of the powers conferred and duties imposed upon the commission.

Section 4. Section 171.420 of the Kentucky Revised Statutes is hereby repealed.

The Committee Amendment to **HB 477** is as follows:

Amend printed copy of House Bill 477 on pages 2 and 3, by:

Striking all of lines 10 to 28 on page 2 and all of lines 1 to 6 on page 3 and inserting in lieu thereof the following:

The State Archives and Records Commission, hereinafter referred to in this Act as the Commission, is hereby created and shall be a thirteen member body constituted as follows:

Three members appointed by the Governor from the state-at-large; seven members, one to be appointed from lists of three persons submitted by the president of each of the state universities, of Kentucky State College, and of the University of Louisville; the Attorney General of the Commonwealth; and one each appointed by the Governor from a list of three persons submitted by the Kentucky Historical Society and the Filson Club respectively; provided that that three of the initial appointments under this Act shall be for a term of three years, three for a term of two years, and three for a term of one year. The Governor shall designate a chairman from among the Commission membership. Vacancies shall be filled by the Governor in the same manner as initial appointments are made. All members shall serve for a term of four years. The commission shall appoint a Director of the Archives and Records Service, hereinafter referred to as the director, who shall act as secretary. The director shall not be a member of the commission nor shall he have a right to vote on commission measures. The director shall serve at the pleasure of the commission.

**HB 479,** AN ACT relating to property tax rates.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Every person over the age of sixty-five years shall have exempted from any ad valorem tax of any taxing district his homestead up to the value of five thousand dollars.

**HB 459,** AN ACT relating to hearings by Personnel Board on

disciplinary actions taken by appointing authorities and judicial review thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 18.270 of the Kentucky Revised Statutes is amended to read:

Any classified employe who is dismissed, demoted, suspended, or otherwise penalized after completing his probationary period of service may, within thirty days after such dismissal, demotion, suspension or penalization, *petition* [appeal to] the Personnel Board for *a hearing thereon* [review thereof]. Upon such *hearing* [review], both the *petitioning* [appealing] employe and the appointing authority whose action is *involved* [reviewed] shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts. At the hearing [of such appeals], technical rules of evidence shall not apply *and the burden of proof shall be assumed by the appointing authority who took the disciplinary action.* If the Personnel Board finds that the action complained of was taken by the appointing authority for any political, religious, or ethnic reason, *or without legal cause,* the employe shall be reinstated to his former position or a position of like status and pay, without loss of pay for the period of his suspension *or dismissal.* In all other cases, the findings and recommendations of the Personnel Board shall be submitted to the appointing authority for his consideration, who may, not later than thirty days after receipt of such findings and recommendations, reinstate the employe with or without pay for the period of the suspension, *or dismissal,* modify his original decision of suspension, demotion, or discharge, or continue his original decision. When any employe is dismissed and not reinstated after such *hearing* [appeal], the Personnel Board in its discretion may direct that his name be placed on an appropriate re-employment list, for employment in any similar position other than the one from which he had been removed. *The Personnel Board shall make a finding as to whether the disciplinary action was taken for legal cause.* Any action or decision taken or made hereunder shall be [final and not] subject to judicial review.

*(1) An appeal to the Franklin Circuit Court may be taken from any final action, decision, or final order of the board by anyone who was a party to the proceeding. Such appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the decision. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the board. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The board shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.*

*(2) In case of appeal, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this chapter and affecting the order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether the board acted without or in excess of its power, the order was procured by fraud, the order is in conformity to the provisions of this chapter, and the findings of fact in issue are supported by any substantial evidence. On such appeals, the court may, in advance of judgment and upon a sufficient showing of facts, remand the case to the board.*

*(3) The court shall enter judgment confirming, modifying or setting aside the decision or, in its discretion, remanding the case to the board for proceedings in conformity with the directions of the court.*

*(4) Any party may appeal from the circuit court to the Court of Appeals in accordance with the Rules of Civil Procedure, and such appeal shall have precedence of other cases pending in the Court of Appeals,*

Section 2. A new Section of the Kentucky Revised Statutes is created to read as follows:

The Personnel Board and the Department at the direction of the Board may employ investigators either full time or part time for the purpose of determining whether the provisions of this chapter are being carried out by the respective department and agency personnel.

Section 3. A new Section of the Kentucky Revised Statutes is created to read as follows:

(1) The Personnel Board may contract for the reporting of the public hearings and may fix the terms and conditions under which transcripts will be supplied by the reporter to the Board and other parties to the proceeding.

(2) All hearings by the Board shall be heard by the full Board or a quorum of the full Board, except that any one member of the Board may be authorized to hear any individual review or proceeding by the written order of the chairman of the Board. The decision in any proceeding heard by a single member shall be made and entered by a majority of the Board.

(3) The Board may provide by regulations that hearing and review proceedings may be conducted by a hearing examiner who shall be an employee of the department and an attorney licensed to practice in the Commonwealth. At the conclusion of the hearing, the examiner shall make a report and recommended order, which report and recommended order shall contain a finding of fact and a conclusion of law, and such report and recommended order shall be served by mail upon each of the parties. Any of the parties thereto may, within twenty days after the date of the report and recommended order, file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed within twenty days after the date of the filing of exceptions. Thereafter the Board shall consider and pass upon the case. When passed upon by the Board, the decision shall be served by mail upon all parties and shall be a final order of the Board.

Section 4. *Whereas, there are presently pending numerous petitions, filed before the Personnel Board by employes of*

*State Government, seeking relief from disciplinary actions taken by appointing authorities, and it appearing that the substantial rights of suspended or dismissed employes have been affected or may be affected within the immediate future, under Section 55 of the Kentucky Constitution an emergency is declared to exist. And this Act shall become effective upon its passage and approval by the Governor.*

**HB 462,** AN ACT relating to law enforcement and crime prevention, establishing the Kentucky Commission on Law Enforcement and Crime Prevention.

WHEREAS, events continue to emphasize that there are no more urgent problems than those posed by crime in all its aspects; and

WHEREAS, the General Assembly recognizes that inadequate statewide planning, coordination, and communication has severely hampered programs of law enforcement and crime prevention at all levels of government; and

WHEREAS, the President of the United States is sponsoring legislation which will afford vast opportunities for financial assistance, on a matching fund basis, to those states which demonstrate the institutional capacity and affirmative policies necessary to make effective use of such assistance; and

WHEREAS, principles of good government require that institutional capacities be equal to institutional responsibilities, so far as available resources permit, and that overlapping responsibilities be discouraged; and

WHEREAS, consistent with these principles, it is the policy of the General Assembly to increase the capacity for planning, coordination, and communication in the field of law enforcement and crime prevention of the department having the sole constitutional responsibility therefor; and

WHEREAS, the Department of Law has in recent years provided national leadership in the conduct of studies on law enforcement and crime prevention pointing the way toward development and execution of remedial programs, thereby demon-

strating its capacity, given adequate resources, to meet its Constitutional responsibilities;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act, unless the context requires otherwise, "Commission" means the Kentucky Commission on Law Enforcement and Crime Prevention, which is established by this Act.

There is hereby created a Kentucky Commission on Law Enforcement and Crime Prevention, which shall be attached for administrative purposes to the Department of Law.

Section 2. (1) The Commission shall:

(a) Conduct and supervise research into the extent of juvenile delinquency and crime in Kentucky, the causes and preventive-curative aspects thereof, the effectiveness of law enforcement of the state and its political subdivisions, the administration of justice in the courts of the Commonwealth as it may affect the crime rate in Kentucky, the programs for the correction of convicted and detained persons administered under the Commonwealth's system of child welfare and corrections, probation and parole practices as such may affect the rate of recidivism, and related areas.

(b) Identify and seek to encourage through appropriate means programs to reduce the incidence of crime and recidivism, and improve the administration of criminal justice, and improve efficiency in law enforcement.

(c) Consider and make recommendations concerning the effectiveness of the criminal laws of the Commonwealth.

(d) Report through the Attorney General to the Governor and to the General Assembly annually by December 1 as to its activities, its findings, and its recommendations.

(2) The Commission may:

(a) Report and make recommendations to the Governor, to other officers of state and local government, and to organizations of state and local government.

(b) Prepare public reports to be released, upon the authority of the Attorney General or the Governor, in the interest of the welfare of the Commonwealth with a view toward the dissemination of information calculated to accomplish through public education a reduction in crime rates.

(c) Require, except where otherwise prohibited by law, information to carry out the purpose of this Act in person or by writing from all officers and organizations of state and local government.

(d) Cooperate with and exchange information with other federal, regional, state and local organizations with similar purpose, both within and without the Commonwealth of Kentucky, as well as with federal, state and local law enforcement agencies.

(e) Create such technical advisory committees as deemed necessary.

(f) Notwithstanding any other provision of law, accept monies and funds, real and personal property, and services from available sources, including public, federal, or private, by grant, appropriation, gift, devise, bequest, or any other means; and enter into agreements with respect thereto consistent with the duties of the Commission.

Section 3. The Commission shall be constituted as follows:

(1) The following officers shall be ex officio members:

(a) The Attorney General;

(b) The Commissioner of Public Safety;

(c) The Commissioner of Corrections;

(d) The Commissioner of Child Welfare;

(e) The Commissioner of Mental Health;

(f) The Superintendent of Public Instruction.

(2) The Presidents of the State-supported Universities and Kentucky State College, or their duly designated alternates, shall be ex officio members.

(3) The following members of the judiciary shall be members of the Commission:

(a) A Judge of the Kentucky Court of Appeals, designated by the Court;

(b) A Circuit Judge nominated by the Judicial Council;

(c) A County Judge, appointed by the Governor from a list of three Judges nominated by the County Judges Association.

(4) Four members of the Kentucky General Assembly shall be members of the Commission, two each from the Senate and the House, selected by the Legislative Research Commission on a bipartisan basis.

(5) The following attorneys shall be members of the Commission:

(a) Two members of the Kentucky State Bar Association, appointed by the Governor from a list of four nominees submitted by the Association;

(b) A member of the Commonwealth's Attorneys Association, appointed by the Governor from a list of three nominees submitted by the Association;

(c) A member of the County Attorneys Association, appointed by the Governor from a list of three nominees submitted by the Association.

(6) A citizen of Kentucky from the membership of each of the following organizations, to be appointed by the Governor from a list of three submitted by the organization, shall be a member of the Commission:

(a) Kentucky Children's Advisory Council;

(b) The Kentucky Commission on Children and Youth;

(c) Kentucky Branch of the National Congress of Parents and Teachers;

(d) Kentucky League of Women Voters.

(7) Four citizens of Kentucky, appointed by the Governor on the basis of varied backgrounds and experience, shall be members of the Commission.

(8) The following law enforcement officers shall be members of the Commission:

(a) A member of the Kentucky Peace Officers Association, appointed by the Governor from a list of three nominees submitted by the Association;

(b) A member of the Kentucky Sheriffs' Association, appointed by the Governor from a list of three nominees submitted by the Association.

(9) The Special Agent in Charge of the Federal Bureau of Investigation for Kentucky may be requested by the Commission to advise and consult with it in meetings and activities.

Section 4. (1) Membership on the Commission does not constitute a public office and no member shall be disqualified from holding public office by reason of his membership.

(2) No salary or other compensation shall be allowed any member of the Commission, but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

Section 5. The Commission shall meet at least three times each year in regular session. The Attorney General shall serve as Chairman, and a Vice Chairman shall be appointed from the membership of the Commission by the Governor. Notice of the times and places of meetings shall be furnished in writing by the Executive Director at the direction of the Chairman. The Commission shall also meet in special session at the call of the Chairman, with the same notice being furnished members as provided for regular sessions. Fifteen members shall constitute a quorum for the transaction of business.

Section 6. The Commission shall employ an Executive Director and such staff as it may determine to serve at its pleasure. The Commission shall define their powers and duties and shall fix their compensation.

Section 7. To carry out the purposes of this Act there is hereby appropriated to the Department of Law out of the General Expenditure Fund of the State Treasury the sum of One Hundred and Fifty Thousand Dollars ($150,000.00) for the fiscal year 1968-69 and One Hundred and Fifty Thousand Dollars ($150,000.00) for the fiscal year 1969-70.

**HB 494,** AN ACT relating to budget and financial administration.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 45.060 is amended to read:

The Department of Finance shall prescribe the forms to be used by the budget units in submitting their budget estimates and requests for appropriations in accordance with the provisions of this chapter, and shall prescribe such rules and regulations as it deems necessary for the guidance of officials in preparing such budget estimates and requests. On or before October 15 of each odd-numbered year, the Department of Finance shall send to the administrative head of each budget unit at least *three* [two] complete sets of the prescribed forms on which budget estimates and requests for appropriations for the next two fiscal years are to be submitted, one copy of the complete statement of the expenditures of the budget unit as furnished by the Department of Finance to aid the administrative head in preparing his estimates and statements, and instructions as to the preparation of each of the required statements.

Section 2. KRS 45.070 is amended to read:

The head of each budget unit, not later than November 15 of each odd-numbered year, shall submit to the Department of Finance *and to the Legislative Research Commission* estimates of the financial requirements and receipts of his budget unit for the next two fiscal years, on the forms and in the manner prescribed by the Department of Finance, with such explanatory data as is required by the department and such additional information as the head of the budget unit wishes to submit. The estimates so submitted shall bear the approval of the board or commission of each budget unit for which a board or commission is constituted.

**HR 57,** A JOINT RESOLUTION directing payment to Roy Dilliard in order to reimburse him for uncashed checks issued in his favor by the state treasurer.

WHEREAS, four checks were issued to Roy Dillard as gasoline refunds, on the dates and in the amounts set out below:

| | |
|---|---|
| Check #305-846 March 8, 1960 | $515.21 |
| Check #456-011 November 15, 1960 | 277.14 |
| Check #530-732 March 10, 1961 | 373.09 |
| Check #691-669 October 30, 1961 | 262.77 |

WHEREAS, checks issued by the Treasurer of the Commonwealth of Kentucky are not valid as an order for payment after one year from date of issue.

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

Section 1. That Roy Dillard has a valid claim against the Commonwealth of Kentucky for the aggregate amount of the checks issued to him, listed above, totaling $1,428.21.

Section 2. That the Commissioner of Finance is directed to draw a warrant in favor of Roy Dillard in the amount of $1,428.21 upon the delivery of the above listed checks to the Commissioner for cancellation.

**HR 64,** A JOINT RESOLUTION relating to the gray squirrel.

WHEREAS, Kentucky's gray squirrel has best demonstrated the transition of the Commonwealth's wild game animals to coexist with the expanding civilization of its people.

WHEREAS, because of its characteristics of thrift and cunning it has persisted and become the most widely observed and known Kentucky wild animal species.

WHEREAS, the realm of the Kentucky gray squirrel has extended from the Commonwealth's woods and suburban thickets to the concrete and steel cities as well, and

WHEREAS, Kentucky's General Assembly has designated previously the Cardinal as the state bird and the Kentucky bass as the state fish.

NOW, THEREFORE,

*Be it resolved by the General Assembly of the Commonwealth of Kentucky:*

That the gray squirrel is named and designated as the state wild animal game species.

**HR 54,** A CONCURRENT RESOLUTION requesting the Governor and the Department of Parks to study possible uses for the twenty-eight sites in the Kentucky Lake area, which were given to Kentucky in 1955 by the Tennessee Valley Authority.

WHEREAS, the TVA has transferred to Kentucky twenty-eight sites, eleven of which are located in Marshall County and seventeen of which are located in Calloway County; and

WHEREAS, the only improvement thus far made has been on Site 24, where a highway has been constructed on the south side of Jonathan Creek; and

WHEREAS, the Governor has pledged that his administration will attempt to lure the lucrative tourist trade into Kentucky; and

WHEREAS, there is a possibility that some of these sites could be developed in order to attract the tourist trade into this area; and

WHEREAS, there is definitely a need for more public developed access to the reservoir area;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Governor and the Department of Parks are hereby requested to study possible uses for the twenty-eight sites located in the Kentucky Lake area, which were given to Kentucky by the Tennessee Valley Authority.

Section 2. That copies of this resolution be sent to the Governor and to the Department of Parks.

Section 3. That the Governor and the Department of Parks

are hereby requested to report to the 1970 Regular Session of the General Assembly their findings and any recommendations for developing and maintaining these sites.

**HR 76,** A CONCURRENT RESOLUTION requesting and petitioning the Federal Home Loan Bank Board to reconsider its policy as applied to the Commonwealth of Kentucky and requesting Honorable John B. Breckinridge, the Attorney General of the Commonwealth of Kentucky, to protest the policy of the Federal Home Loan Bank Board in relation to the branching of federal savings and loan associations.

WHEREAS, the General Assembly of the Commonwealth of Kentucky has repeatedly stated the will of the people in the matter of branch offices for state-chartered banks and state-chartered savings and loan associations, and, as recently as 1964, again declared in the Model Savings Association Act, "No branch shall be established in any county other than in the county in which is located the principal office of the association," and,

WHEREAS, It is the desire of the General Assembly to secure equal treatment for all of our financial institutions, and,

WHEREAS, the Federal Home Loan Bank Board has announced its intention to ignore and flaunt the clear intent of this Kentucky law and permit the establishment of branches of federal savings and loan associations in Kentucky in counties other than the county in which their principal offices are located, and,

WHEREAS, the Federal Home Loan Bank Board, through the office of its supervisory agent in Cincinnati, Ohio, has advised all of its Kentucky members that it is the Board's policy to permit federal associations to apply for branch offices across county lines, contrary to Kentucky law, and,

WHEREAS, they have been further advised that the Board's policy would not be proper subject for discussion at any hearing which may be held on an individual branch application, and,

WHEREAS, indiscriminate branching of financial institutions without regard to geographic limitations is not in the best public interest and contrary to the law of Kentucky, and,

WHEREAS, the General Assembly deplores this action of the Federal Home Loan Bank Board to, by regulation, circumvent the intent of the General Assembly by permitting establishing of branches contrary to Kentucky law.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Honorable John B. Breckinridge, the Attorney General of the Commonwealth of Kentucky, be and he is hereby requested to protest on behalf of the General Assembly the policy of the Federal Home Loan Bank Board which would approve branches in Kentucky of federal savings and loan associations in counties other than the county in which the principal office of the federal association is located;

Section 2. That the General Assembly respectfully submits, for the favorable consideration and decision of the Federal Home Loan Bank Board, and the respective addresses hereof, the desirability of adopting as a matter of policy if not of law—the proposition that the Federal Home Loan Bank Board limit its branching permits pursuant to the provisions of the law of the domiciliary state;

Section 3. That the clerk of the House of Representatives of the Commonwealth of Kentucky is directed to transmit a copy of this Resolution to the Honorable John B. Breckinridge, the Attorney General of the Commonwealth of Kentucky;

Section 4. That the clerk of the House of Representatives is further directed to transmit promptly, by mail, a copy of this Resolution to Mr. John E. Horne, Chairman of the Federal Home Loan Bank Board, 101 Indiana Avenue, N. W., Washington, D.C. 20552;

Section 5. That the clerk of the House of Representatives is further directed to mail immediately a copy of this Resolution to each of the members of the House of Representatives of the United States and the United States Senate from the Commonwealth of Kentucky.

**HR 38,** A CONCURRENT RESOLUTION relating to the national cemetery system.

WHEREAS, figures compiled by the Department of Defense for the fiscal year 1966 show that the 4,873 servicemen who lost their lives in the fight for freedom in Vietnam during the period, 873 or 20.4 per cent were buried in national cemeteries; and

WHEREAS, although one in five were actually interred in national cemeteries, many more would probably have also been buried in a national cemetery had there been available space near the home of next of kin; and

WHEREAS, over the past three years there has been a determined effort on the part of some federal agencies to sharply curtail or do away altogether with any further provision for national cemeteries; and

WHEREAS, present day burial expenses are sufficiently high without placing on the veteran's and serviceman's dependent the added cost of purchasing a burial plot; and

WHEREAS, the burial allowances of the Veterans Administration and that provided under Social Security are far too meager to provide for the last rites of most veterans and servicemen; and

WHEREAS, it is perfectly evident that the present administration is determined to end the national cemetery system just as soon as present facilities are exhausted and this procedure is a rank departure from the long-time precedent that veterans who have served their nation in time of war are entitled to burial rites provided by the United States government;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Kentucky General Assembly strongly urge the Congress of the United States to take such action as necessary to forestall the present plans of the Bureau of the Budget and the administration, and to oppose the position of the Department of Defense which supports the administration's

policy of no further expansion of the national cemetery system, with the exception of the Arlington National Cemetery, as many national cemeteries have already exhausted available space and several others are scheduled for closing this year.

Section 2. That the Department of Defense be requested to establish an adequate and permanent national cemetery system to make national cemeteries available with burial spaces for all United States military servicemen and women who are entitled to the same, and wish to be interred there.

Section 3. That the Chief Clerk of the House of Representatives transmit copies of this Resolution to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President Pro Tempore of the Senate; and the Honorable John McCormack, Speaker of the House of Representatives; the Honorable Clark M. Clifford, Secretary of the Defense-elect; the Honorable Charles L. Schultz, Director, Bureau of the Budget; and the Honorable John Sherman Cooper and the Honorable Thruston B. Morton, United States Senators; and the Honorable Gene Snyder, and the Honorable William O. Cowger, and the Honorable Tim Lee Carter, and the Honorable William H. Natcher, and the Honorable Carl D. Perkins, and the Honorable Frank A. Stubblefield, and the Honorable John C. Watts, U. S. Representatives, members of the Kentucky delegation in Congress.

**HR 52,** A CONCURRENT RESOLUTION directing the Legislative Research Commission to study and report on local intergovernment cooperation in Kentucky.

WHEREAS, the 1962, 1964 and 1966 General Assembly, by enactment of the Interlocal Cooperation Act and amendments thereto, granted to local units of government powers to cooperate to accomplish and provide quality services and facilities in an efficient and economical manner; and

WHEREAS, under the provisions of the Interlocal Cooperation Act, some units of local government have availed themselves of the opportunities to form and/or consolidated organizational units to provide needed services; and

WHEREAS, under the provisions of KRS Chapter 65 there exists great potential, presently not being utilized, for the development of the joint exercise of interlocal cooperation in the best interest of Kentucky;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Legislative Research Commission be directed to study and report on the following areas of local intergovernmental cooperation.

1. The results which have been derived from the present statutes relating to interlocal cooperation.

2. The provisions of the present statutes, or interlocal cooperation, that have not yet been utilized by local units of government and what could be accomplished under these provisions.

3. Additional provisions or changes in the present law that might be made that would further help to implement the intent of the Interlocal Cooperation Act.

**HR 69,** A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a comprehensive study relating to outmoded laws which still appear in the Kentucky Revised Statutes and making recommendations for revising, consolidating or repealing such laws to the 1970 General Assembly.

WHEREAS, KRS 7.100 and 7.120 charge the Legislative Research Commission with the responsibility to make investigations into statute law and legislation to aid the General Assembly in performing its duties in the most efficient and economical manner and to submit to the General Assembly proposals for consolidation and revision of the statutes, and

WHEREAS, it appears that the present statutes are replete with outmoded provisions which no longer serve any useful purpose but only "clutter-up" the statutes, making it increasingly

difficult to locate pertinent provisions and generally hampering the efficient administration of presently applicable provisions.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

That the Legislative Research Commission is hereby directed to make a comprehensive study relating to the outmoded laws appearing in the Kentucky Revised Statutes and make recommendations for revising, consolidating or repealing such laws to the 1970 General Assembly.

**SR 20,** A CONCURRENT RESOLUTION requesting and petitioning the United States Corps of Engineers to build the Kingdom Come Reservoir near Ulvah, Kentucky to provide protection from floods and increase needed water storage facilities.

WHEREAS, the Hazard area has been damaged periodically since 1927 with disastrous floods and threats of floods, causing great losses to homes and businesses; and,

WHEREAS, the North Fork of the Kentucky River is the principal source of water in this area which has been adversely affected by extremely low water many times in the past and the reservoir would make available needed emergency water supplies; and

WHEREAS, by providing much needed flood control, the reservoir will be of great assistance to promoting the economical and recreational development of South eastern Kentucky.

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

That the federal authorities having control thereof be and it is requested that they proceed with the construction of the Kingdom Come Reservoir at the earliest possible time; and,

Be it further resolved that a copy of this resolution be forwarded by the Clerk of this House to the President of the United

States, the Secretaries of Interior, Agriculture and Defense of the United States, to Senators John Sherman Cooper and Thruston B. Morton and to Congressman Carl D. Perkins, Representatives of Kentucky in the Congress of the United States.

**SR 29,** A CONCURRENT RESOLUTION commending the proposed memorials honoring the late Claude Sullivan and the late Bernard "Bernie" Shively.

WHEREAS, the late Claude Sullivan became the voice of University of Kentucky athletic events to radio listeners throughout the country; and

WHEREAS, the late Claude Sullivan exemplified in his life and in his broadcasts the spirit of true sportsmanship; and

WHEREAS, the late Bernard "Bernie" Shively led the University of Kentucky athletic program during his long career of academic and athletic service; and

WHEREAS, the late Bernie Shively elevated the athletic programs of the University of Kentucky to high standards of sportsmanship;

NOW, THEREFORE,

*Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:*

1. That this General Assembly commends and applauds the proposed erection, at the University of Kentucky football stadium, of memorial flagpoles in honor of these distinguished and true sportsmen, whose lives exemplified the true spirit of college athletics.

2. That the Clerk of the Senate send a copy of this resolution to the President and the Chairman of the Board of Trustees of the University of Kentucky.

The Committee on State Government reported **HB 378** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **HB 395,** and **SB 92** with Committee Amendment attached thereto with the expression

of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 395,** AN ACT relating to the age of majority.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 2.015 is amended to read:

Persons of the age of eighteen years are of the age of majority for all purposes in this Commonwealth except for the purchase of alcoholic beverages and for purposes of care and treatment of handicapped children, for which twenty-one years is the age of majority [.] , *all other statutes to the contrary notwithstanding.*

Section 2. KRS 68.090 is amended to read:

(1) For county purposes the fiscal court of each county may levy a poll tax on each male resident of the county who is of the age of *eighteen* [twenty-one] years or over and is not exempt under KRS 142.020, and shall levy an ad valorem tax on all property subject to county taxation. This section does not authorize the fiscal court to levy a tax to pay any railroad bonded indebtedness or any interest thereon. The poll tax shall not exceed one dollar and fifty cents on each person taxed, and the ad valorem tax shall not exceed fifty cents on each one hundred dollars' worth of property taxed; except that, if an additional tax is required to pay the principal or interest on indebtedness of the county or a taxing district therein incurred prior to the adoption of the Constitution, the fiscal court may levy such additional tax as is authorized by law in force prior to the adoption of the Constitution.

(2) It is further provided that in any county which has under the law now in force established itself as a tubercular district the fiscal court shall levy a tax sufficient to maintain a tubercular institution and to provide for the salaries of the medical staff thereof and any other necessary expenses incident thereto taking into consideration any federal, state, or private financial assistance which may be given to such institution or which by existing law or that hereafter enacted such institution

may be entitled to receive. Such levy shall be an ad valorem tax on all property subject to county taxation and shall not exceed ten cents on each one hundred dollars' worth of property so taxed and such ten cents shall be an additional tax to the fifty cents ad valorem tax limitation hereinabove provided for.

Section 3. KRS 199.470 is amended to read:

(1) Any [adult] person who is *eighteen years of age and who is* a resident of this state or who has resided in this state for twelve months next before filing, may file a petition for leave to adopt a child in the circuit court of the county in which the petitioner resides.

(2) If the petitioner is married, the husband or wife must join in a petition for leave to adopt a child unless the petitioner is married to a natural parent of the child to be adopted, except that if the court finds that the requirement of a joint petition would serve to deny the child a suitable home, such requirement may be waived.

(3) No petition for the adoption of any child under the age of sixteen shall be filed until after the child has lived continuously in the home of the petitioner for at least three months immediately prior to the filing of the petition.

(4) No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a licensed child-placing institution or agency or by the department, or the child has been placed with written approval of the commissioner; but no such approval shall be necessary in the case of:

(a) A child sought to be adopted by a stepparent, grandparent, sister, brother, aunt or uncle;

(b) A child received by the proposed adopting parent or parents from an agency without this state with the written consent of the commissioner.

(5) Subsection (4) of this section shall not apply to those children placed for adoption prior to June 14, 1962.

Section 4. KRS 203.020 is amended to read:

(1) The staff of a state mental hospital or of an institution for mentally defective persons may admit for diagnosis, care and treatment any person who is mentally ill or has symptoms of mental illness, or who is mentally retarded or has symtoms of mental retardation, and who, being *eighteen* [twenty-one] years of age or over, applies therefor, and any person under *eighteen* [twenty-one] years of age who is mentally ill or has symptoms of mental illness, or mental retardation, if his parent or guardian applies therefor in his behalf. The application shall be signed by the applicant in the presence of two witnesses.

(2) The staff of a state mental hospital may discharge any voluntary patient who has recovered or whose hospitalization they determine to be no longer advisable. They may also discharge any voluntary patient if to do so would, in their judgment, contribute to the most effective use of the hospital in the care and treatment of the mentally ill or mentally defective.

(3) A voluntary patient who requests his release or whose release is requested, in writing, by his guardian, parent, spouse or [adult] relative *who is eighteen years of age or over* shall be released within five days from the receipt of such request, except as hereinafter provided in this section. If the patient was admitted on his own application and the request for release is made by a person other than the patient, release shall be conditioned upon the agreement of the patient thereto. If the patient, by reason of his age, was admitted on application of his parent or guardian, his release, prior to attaining the age of *eighteen* [twenty-one] years, shall be conditioned upon the consent of such parent or guardian.

(4) If the hospital staff believes that the patient is dangerous to himself or to others or would be benefited by further care and treatment in a hospital, it may, within five days after the receipt of the request for release, file in the proper court a certificate signed by two staff physicians stating that the patient is mentally ill or mentally defective and recommending his commitment. The court shall follow the procedure it usually follows when such a certificate is filed. After such certificate is filed, the hospital may continue to hold the patient beyond the

expiration of the five-day period referred to in this section until notified by the court that the hearing has been held and the person has been found to be mentally well.

Section 5. KRS 271.025 is amended to read:

Any natural person of the age of *eighteen* [twenty-one] years or more, or any corporation, may form a corporation for any lawful purpose, and may own and hold all or any number of the shares of stock of any corporation organized under the provisions of KRS Chapter 271.

Section 6. KRS 337.010 is amended to read:

(1) As used in this chapter, unless the context requires otherwise:

(a) "Commission" means Commissioner of Labor; and

(b) "Department" means Department of Labor.

(2) KRS 337.050 and 337.060 shall not apply to employers and employes subject to the provisions of the Federal Railway Labor Act, the Federal Safety Appliance Act, the Federal Railroad Mediation Act, the Interstate Commerce Commission or the Kentucky Public Service Commission, nor to hospitals or charitable institutions, nor to employes of the state or United States or political subdivisions of either, nor to farming or work performed in homes, residences, restaurants, hotels and apartment houses such as cleaning, waiting on tables, washing dishes, cooking, answering calls of guests and waiting upon them and general house, restaurant or hotel work and outside salesmen.

(3) As used in KRS 337.210 to 337.360 unless the context requires otherwise:

(a) "Fair wage" means a wage fairly and reasonably commensurate with the value of the service or class of service rendered;

(b) "Minor" means a person of either sex under the age of *eighteen* [twenty-one] years;

(c) "Occupation" means an industry, trade, or business or branch thereof or class of work therein in which employes are gainfully employed, but does not include domestic service in the home of the employer or labor on a farm;

(d) "Oppressive and unreasonable wage" means a wage that is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health; and

(e) "Woman" means a female of *eighteen* [twenty-one] years or over.

(f) "Employer" is any person who employs an employe and includes any person acting directly or indirectly in the interest of an employer in relation to an employe; and

(g) "Employe" is any person employed by or suffered or permitted to work for an employer.

(4) KRS 337.210 to 337.360 shall not apply to any person subject to regulation by the Public Service Commission.

(5) As used in KRS 337.510 to 337.550 unless the context requires otherwise:

(a) "Construction" includes construction, reconstruction, improvement, enlargement, alteration or repair of any public works by contract fairly estimated to cost more than five hundred dollars;

(b) "Contractor" and "Subcontractor" include any superintendent, foreman, or other authorized agent of any contractor or subcontractor who is in charge of the construction of the public works or who is in charge of the employment or payment of the employes of such contractor or subcontractor who are employed in performing the work to be done or being done by the contractor or subcontractor under the particular contract with any public authority;

(c) "Locality" means the county where the physical work upon public works is performed, except if there is not available in the locality a sufficient number of competent skilled laborers, workmen, mechanics, helpers, assistants and apprentices to efficiently and properly construct the public works, "locality" shall include any other locality nearest the one in which the work of construction is to be performed and from which such available skilled laborers, workmen, mechanics, helpers, assistants and apprentices may be obtained in sufficient numbers to perform the work. "Locality" with respect to contracts with the Department

of Highways of this state may, in the discretion of the Commissioner of Highways, be construed to include two or more adjacent counties from which laborers, workmen, mechanics, helpers, assistants and apprentices may be reasonably accessible for work on such construction;

(d) "Public authority" means any officer, board, or commission of this state, or any political subdivision or department thereof in the state, or any institution supported in whole or in part by public funds, authorized by law to enter into any contract for the construction of public works; and

(e) "Public works" includes all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, waterworks and all other structures or works constructed under contract with this state, or any department or agency thereof, or political subdivision in the state.

(6) KRS 337.510 to 337.550 shall not apply to the construction of public works in any case where the Federal Government or any of its agencies furnishes by loans or grants any part of the funds used in constructing such improvements, if the Federal Government or its agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

Section 7. KRS 337.370 is amended to read:

No female under *eighteen* [twenty-one] years of age shall be permitted to work at any gainful occupation, except domestic service and nursing, more than sixty hours in any one week, nor more than ten hours in any one day.

Section 8. KRS 387.010 is amended to read:

As used in this chapter, unless the context requires otherwise [,]:

*(1)* "*P*erson of unsound mind" means an idiot, lunatic, one who from confirmed bodily infirmity is unable to make known to others by speech, sign, or otherwise his thoughts or desires, and by reason thereof is incompetent to manage his estate, or one whose mind because of an infirmity or old age has become

so imbecile or unsound as to render him incompetent to manage his estate.

*(2) "Infant" or "minor" means any person who has not reached the age of eighteen.*

Section 9. KRS 391.020 is amended to read:

(1) When a person dies intestate and without issue, owning real estate of inheritance which is the gift of either of his parents, the parent who made the gift, if living, shall inherit the whole of such estate.

(2) If a person *under the age of eighteen* [an infant] dies without issue, having the title to real estate derived by gift, devise or descent from one of his parents, the whole shall descend to that parent and that parent's kindred, and if there is none, then in like manner to the other parent and his kindred. The kindred of one parent shall not be so excluded by the kindred of the other parent, if the latter is more remote than the grandfather, grandmother, uncles and aunts of the intestate and their descendants.

Section 10. KRS 395.005 is amended to read:

Any resident of the State of Kentucky, including married women, over *eighteen* [twenty-one] years of age, and any National bank located in Kentucky having fiduciary powers and any state bank or trust company incorporated under the laws of the State of Kentucky and authorized by law to act as such therein may be appointed as fiduciary.

Section 11. KRS 395.080 is amended to read:

If all the persons nominated as executors are under the age of *eighteen* [twenty-one] at the time of probating the will, or those who are of age fail to qualify, administration with the will annexed may be granted during such minority. But if a testator, by his will, so directs, then such infant executor may qualify and give bond as an adult.

Section 12. KRS 401.010 is amended to read:

Any person at least *eighteen* [twenty-one] years of age, who is not a married woman, may have his name changed by the

county court of the county in which he resides. If he resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

Section 13. KRS 401.020 is amended to read:

The father, or if he is dead or has abandoned his [infant] child *who is under the age of eighteen,* the mother and guardian, or if no mother is living, the guardian alone, may have the name of *a child under the age of eighteen* [an infant] child changed by the county court of the county in which the child resides. If the child resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

Section 14. KRS 402.080 is amended to read:

(1) No marriage shall be solemnized without a license therefor. The license shall be issued by the clerk of the county in which the female resides at the time, unless the female is *eighteen years of age or over* [of full age] or a widow, and the license is issued on her application in person or by writing signed by her, in which case it may be issued by a county clerk.

(2) No county clerk shall issue a marriage license until the application for a marriage license remains on file, open to the public, in the office of the county court clerk, for three days before license is issued.

Section 15. KRS 402.210 is amended to read:

If either of the parties is under *eighteen* [twenty-one] years of age and not before married, no license shall issue without the consent of his or her father or guardian, or if there is none or he is absent from the state, without the consent of his or her mother, personally given or certified in writing to the clerk over the signature of the father, guardian or mother, attested by two subscribing witnesses and proved by the oath of one of the witnesses, administered by the clerk. If the parties are personally unknown to the clerk, a license shall not issue until bond, with good surety, in the penalty of one hundred dollars is given to the

Commonwealth, with condition that there is no lawful cause to obstruct the marriage.

Section 16. KRS 402.260 is amended to read:

If any female under sixteen years of age marries without the consent of her father or guardian, or of her mother if there is no father or guardian or he is absent from the state, the court having general equity jurisdiction in the county of her residence shall, on the petition of a next friend, commit her estate to a receiver, who, upon giving bond, shall hold her estate and, after deducting a reasonable compensation for his services, pay out the rents and profits to her separate use during her infancy, under the direction of the court. When the wife arrives at the age of *eighteen* [twenty-one] the receiver shall deliver her estate to her, unless the court considers it for her benefit to continue it in the hands of the receiver.

Section 17. KRS 403.070 is amended to read:

Pending an application for divorce, or on final judgment, the court may make orders for the care, custody and maintenance of the [minor] children of the parties *under the age of eighteen* and any of their children of unsound mind. At any time afterward, upon the petition of either parent, the court may revise any of its orders as to the children, having principally in view in all such cases the interest and welfare of the children. No such order for maintenance of children shall divest either party of the fee simple title to real estate.

Section 18. KRS 405.010 is amended to read:

The father and mother of a [minor] child *under the age of eighteen* are equally entitled to its services and earnings. If one of the parents is dead, or has abandoned the child, or been deprived of its custody by court decree, the other is entitled to its services and earnings. The parents jointly may maintain an action for loss of the services or earnings of their [minor] child *under the age of eighteen* when the loss is occasioned by an injury wrongfully or negligently inflicted upon the child. But if either the father or mother is dead, or has abandoned the child, or has been deprived of its custody by court decree, or

refuses to sue, the other may sue alone. This section shall not affect the existing law relating to workmen's compensation and industrial accidents.

Section 19. KRS 405.020 is amended to read:

(1) The father and mother shall have the joint custody, nurture and education of their [minor] children *who are under the age of eighteen.* If either of the parents dies, the survivor, if suited to the trust, shall have the custody, nurture and education of the [minor] children *who are under the age of eighteen.* The father shall be primarily liable for the nurture and education of his [minor] children *who are under the age of eighteen.*

(2) The father and mother shall have the joint custody, care and support of their [adult] children *who have reached the age of eighteen and* who are wholly dependent because of permanent physical or mental disability. If either of the parents dies, the survivor, if suited to the trust, shall have the custody, care and support of such children. The father shall be primarily liable for the custody, care and support of wholly dependent [adult] children *who have reached the age of eighteen.*

Section 20. KRS 405.080 is amended to read:

Any [adult] person *who is eighteen years of age or over,* residing in this state and having in this state a parent who is destitute of means of subsistence and unable because of old age, infirmity or illness to support himself or herself, shall, after reasonable notice, provide that parent with necessary shelter, food, care and clothing, if he has, or is able to earn, sufficient means to do so.

Section 21. KRS 411.150 is amended to read:

The widow and [minor] child, *under the age of eighteen* or either of them, of a person killed by the careless, wanton or malicious use of a deadly weapon, not in self-defense, may have an action against the person who committed the killing and all others aiding or promoting, or any one or more of them. In such actions the jury may give vindictive damages.

Section 22. KRS 423.010 is amended to read:

The Secretary of State may appoint as many notaries public

as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the circuit judge, circuit clerk, county judge, county clerk, justice of the peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be *eighteen* [twenty-one] years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his certificate of appointment to the applicant, must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

**SB 92,** AN ACT relating to Inheritance and Estates Taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 140.030 is amended to read:

(1) If it appears, either from the will of the decedent or from extrinsic evidence, that an obligation of a contractual nature exists in favor of any person payable at or after death of the decedent, the sum so payable shall be treated for the purposes of this chapter as a taxable transfer, unless it affirmatively appears by competent evidence that a consideration substantially equivalent in value to the amount due under the contract was

paid or furnished by or for the other party thereto during the life of the decedent.

(2) The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), payable to the assured or his estate, shall be taxable as a part of the legacy as a distributable share of the beneficiary. The proceeds of an insurance policy payable to a designated beneficiary, *including a testamentary trustee,* other than the assured or his estate [or a trustee of a designated beneficiary other than the assured or his estate] shall be tax free. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

Commttiee Amendment to **SB 92** is as follows:

Amend printed copy of Senate Bill 92 on page 2, line 5, by: inserting the following after the word "trustee":

*"of any trust or trusts to be established under the assured's last will and testament."*

And on page 2, line 5 and line 7 by removing the brackets.

And by adding a new section following line 15, page 2, to read as follows:

*"(3) It shall not be necessary to the validity of any testamentary trust or any intervivos trust that it have a trust corpus other than the right of the trustee to receive insurance proceeds as beneficiary."*

The Committee on Judiciary reported **HB 241** with the expression of opinion that the same should not pass.

The Committee on Rules reported **HB 230, SB 214, HB 218, HB 294, HB 351, HB 328, HB 166, HB 288, HB 190, HB 188, HB 74, HB 413, HB 365, HB 237, HB 227,** and **HB 229** with the expression of opinion that the same should pass.

## Calendar

**HB 259, HB 101, HB 104, HB 157, HB 410, HB 440, SB 79, HB 269,** and **HB 350** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Morgan moved the adoption of **HR 76.**

On the roll call the vote was yeas 83—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wright. Nays 0.

**HR 76** was passed and the title agreed to.

Representative Hoffman moved that **HB 125** be taken from Orders of the Day and recommitted to the Committee on Appropriations and Revenue. Agreed.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 161** had been examined and found correctly enrolled. **SB 161** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 8, HB 116, HB 124, HB 133, HB 20, HB 118, HB 115, HB 207, HB 61** and **HR 32** delivered, signed by President. Ordered delivered to the Governor.

**Motions, Petitions, and Communications (Cont.)**

Representative Mitchell moved that **HB 187** be taken from the Clerk's desk and recommitted to the Committee on Counties and Special Districts. Agreed.

Representative Hunt moved that **HB 399** be recommitted to the Committee on Appropriations and Revenue.

**Recess**

Representative Denham moved that the House recess for ten minutes for discussions. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

**Motions, Petitions, and Communications (Cont.)**

On the roll call the vote was yeas 34—Blandford, Blume, Brown, Bruce, Carroll, Cox, Curlin, Hampton, Hardin, Hoffman, Hunt, Irick, Isler, James, Justice, Keene, Kidd, King, May, McBrayer, McGill, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Pettit, Ray, W. J. Reynolds, Rickert, Siemens, Tobin, Walters, Webster. Nays 55—Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Blythe, Bowles, Coffey, Cruse, J. A. Davis, W. F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Henry, Hinkle, Hoe, Huff, Johnson, Jones, Keith, Kessinger, Lankford, Lassiter, Lawson, Maddox, Massey, McCallum, McKinney, Melton, R. L. Miller, Peace, Rattliff, R. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Simmons, Smith, Stuart, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright.

The motion that **HB 399** be recommitted to the Committee on Appropriations and Revenue was rejected.

**Senate Message**

Announcing passage of **HB 27, HB 132, SB 78, SB 145, SB 157, SB 164, SB 166, SB 191, SB 172, SR 39** and **SB 122.**

**First Reading**

**HB 399** with Committee Amendment attached thereto and **HB 400** read at length for the first time and ordered placed in the Calendar.

**HB 399,** AN ACT relating to revenue and taxation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART I

Section 1. KRS 139.020 is amended to read:

Any and all amounts derived from the levy and collection of the taxes levied by this chapter shall be appropriated and used as follows:

(1) Upon issuance and sale from time to time of bonds providing funds for purposes of paying the bonus to veterans as proposed by the General Assembly under KRS 40.005, and ratified by the electorate on November 3, 1959, there shall first be set aside out of each month's receipts such proportionate part of the next maturing principal of, and interest on, all such bonds as may then be outstanding as will provide for the payment of principal and interest when due.

(2) Monthly receipts in excess of the amounts necessary to make such provisions for the payment of the principal of and interest on all such outstanding bonds shall to the extent of such excess be credited to the general fund [, except for amounts of taxes herein levied and collected upon the sale or use of motor vehicles].

[(3) All revenue derived from taxes imposed by this chapter with respect to the sale or use of motor vehicles that are propelled by other than muscular power and that are used for transportation of persons or property over the public highways of the state shall be credited in accordance with the provisions of Section 230 of the Kentucky Constitution, KRS 177.595 and KRS 40.005.]

Section 2. KRS 139.050 is amended to read:

(1) "Gross receipts" means the total amount of the sale, lease or rental price, as the case may be, of "retail sales," or "sales at retail," valued in money, whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold. However, in accordance with such rules and regulations as the department may prescribe, a deduction may be taken if the retailer has purchased property for some purpose other than resale, has reimbursed his vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his vendor with respect to the sale of the property;

(b) The cost of the materials used, labor or service cost, interest paid, losses or any other expense;

(c) The cost of transportation of the property prior to its sale to the purchaser.

(2) The total amount of the sale or lease or rental price includes all of the following:

(a) Any services that are a part of the sale;

(b) All receipts, cash, credits and property of any kind;

(c) Any amount for which credit is allowed by the seller to the purchaser.

(3) "Gross receipts" do not include any of the following:

(a) Cash discounts allowed and taken on sales (provided that premium or trading stamps shall not be considered as cash discounts);

(b) Sale price of property returned by customers when the full sale price is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a

price greater than the amount charged for the property that is returned;

(c) The price received for labor or services used in installing or applying the property sold;

(d) The amount of any tax (not including, however, any manufacturer's excise or import duty) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the consumer;

(e) Sales of gasoline and special fuels subjected to tax under KRS Chapter 138;

(f) The sales price of any motor vehicle *as defined by KRS 138.450 (2); or, the sales price of vehicles* [, including those] defined under KRS 189.010 (5) and 189.010 (10) [,] which *have* [has] never been registered in Kentucky.

(4) For purposes of the sales tax, if the retailer establishes to the satisfaction of the department that the sales tax has been added to the total amount of the sale price and has not been absorbed by the retailer, the total amount of the sale price shall be deemed to be the amount received exclusive of the tax imposed.

Section 3. KRS 139.130 is amended to read:

(1) "Sales price" means the total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(a) The cost of the property sold;

(b) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses;

(c) The cost of transportation of the property prior to its purchase.

(2) The total amount for which property is sold includes all of the following:

(a) Any services that are a part of the sale;

(b) Any amount for which credit is given to the purchaser by the seller,

(3) "Sales price" does not include any of the following:

(a) Cash discounts allowed and taken on sales (excluding trading or premium stamps);

(b) The amount charged for property returned by customers when the entire amount charged therefor is refunded either in cash or credit; but this exclusion shall not apply in any instance when the customer, in order to obtain the refund, is required to purchase other property at a price greater than the amount charged for the property that is returned;

(c) The amount charged for labor or services rendered in installing or applying the property sold;

(d) The amount of any tax (not including, however, any manufacturer's excise or import duty) imposed by the United States upon or with respect to retail sales, whether imposed upon the retailer or the customer;

[(e) The value allowed for a motor vehicle, as defined by KRS 138.450, insofar as the value of such motor vehicle is included in the consideration for the concurrent purchase of another such motor vehicle, provided such value allowed does not exceed the fair market value of the motor vehicle so traded.]

Section 4. KRS 139.200 is amended to read:

For the privilege of making "retail sales" or "sales at retail," a tax is hereby imposed upon all retailers at the rate of *five* [three] percent of the gross receipts of any retailer derived from "retail sales" or "sales at retail" made within this *Commonwealth* [state] *on and* after *April 1, 1968.* [June 30, 1960.]

Section 5. KRS 139.230 is amended to read:

The department is authorized to prepare suitable brackets of prices for the collection of the taxes imposed by this chapter in order to eliminate fractions of one cent, and so that the aggregate collections of taxes by a retailer, so far as may be practicable, shall be equal to *five* [three] percent of gross receipts or sales price, as the case may be.

Section 6. KRS 139.310 is amended to read:

An excise tax is hereby imposed on the storage, use or

other consumption in this state of tangible personal property purchased on *and* [or] after *April 1, 1968* [July 1, 1960], for storage, use or other consumption in this state at the rate of *five* [three] percent of the sales price of the property.

Section 7. KRS 139.320 is amended to read:

(1) The use tax of *five* [three] percent is hereby levied upon the storage, use or other consumption in this state of any [motor vehicles, other than motor vehicles defined under the provisions of KRS 138.450,] machines, machinery, tools or other equipment brought, imported or caused to be brought into this state for use in constructing, building or repairing any building, highway, street, sidewalk, bridge, culvert, sewer or water system, drainage or dredging system, electric or steam railway system, reservoir or dam, hydraulic or power plant, transmission line, tower, dock, wharf, excavation, grading or other improvement or structures, or any part thereof. The owner or, if the property is leased the lessee of any such [motor vehicle other than motor vehicles defined under the provisions of KRS 138.450,] machine, machinery, tools or other equipment shall be liable for the tax provided for in this chapter, to be computed as set out below. The useful life of such [motor vehicles,] machines, tools or other equipment shall be determined by the department in accordance with the depreciable value permitted under KRS Chapter 141 and regulations issued pursuant thereto. Said use tax shall be computed on the basis of such proportion of the original purchase price of such property as the duration of time of use in this state bears to the total useful life. Such tax shall become due immediately upon such property's being brought into this state, and in the absence of satisfactory evidence as to the period of use intended in this state, it shall be presumed that such property will remain in this state for the remainder of its useful life.

(2) The provisions of this section shall not be applicable with respect to sales of such property within this state or to the use, storage or consumption of such property when purchased for use in this state, and in such cases the full sales or use tax shall be paid as in all other cases, irrespective of the period of intended use in this state.

Section 8. KRS 139.450 is amended to read:

It shall be presumed that tangible personal property shipped or brought to this state by the purchaser after *March 31, 1968* [June 30, 1960], was purchased from a retailer on or after *April 1, 1968* [July 1, 1960], for storage, use or other consumption in this state.

Section 9. KRS 139.570 is amended to read:

*To reimburse himself for the cost of collecting and remitting the tax, the taxpayer shall deduct on each return two percent of the first one thousand dollars of tax due and one and one-quarter percent of the tax due in excess of one thousand dollars.* [The taxpayer shall deduct and withhold from the taxes otherwise due from him two percent thereof to reimburse himself for the cost of collecting and remitting the tax.]

Section 10. A new section of the Kentucky Revised Statutes is created to read:

Excluded from the additional taxes imposed by Part I of this Act are gross receipts from the sale of, and the storage, use or other consumption in this state of, tangible personal property used for the performance of a lump sum, fixed fee contract executed prior to the date this Act becomes law.

Section 11. A new section of the Kentucky Revised Statutes is created to read:

The provisions of Part I of this Act shall become effective on April 1, 1968. With respect to the sale or use of tangible personal property before April 1, 1968, the provisions of KRS 139.020, 139.050, 139.130, 139.200, 139.230, 139.310, 139.320, 139.450 and 139.570, as they existed immediately prior to the enactment of this Act, shall remain applicable, the same as though they had not been amended by this Act.

## PART II

Section 1. KRS 141.010 is amended to read:

As used in this chapter, unless the context requires otherwise:

(1) "Commissioner" means Commissioner of Revenue;

(2) "Department" means the Department of Revenue;

(3) "Internal Revenue Code" means the Internal Revenue Code in effect on December 31, 1965, exclusive of any amendments made subsequent to that date;

(4) "Dependent" means those persons defined as dependents under Section 152 of the Internal Revenue Code;

(5) "Fiduciary" means "fiduciary" as defined in Section 7701 (a) (6) of the Internal Revenue Code;

(6) "Fiscal year" means "fiscal year" as defined in Section 7701 (a) (24) of the Internal Revenue Code;

(7) "Individual" means a natural person;

(8) *For taxable years beginning on or after January 1, 1968,* "*f* [F] ederal income tax" means *the lesser of the two amounts computed under (a) and (b) of this subsection, minus any federal tax credits actually utilized by the taxpayer* [income tax paid or accrued to the United States Government on income subject to assessment and taxation under the provisions of this chapter].

*(a) The amount of federal income tax actually paid or accrued for the taxable year on taxable income as defined in Section 63 of the Internal Revenue Code, and taxed under the provisions of this chapter.*

*(b) The amount of federal income tax which would result from the application of the income tax rates contained in the Internal Revenue Code in effect December 31, 1967 to the taxpayer's federal taxable income for the taxable year as defined in Section 63 of the Internal Revenue Code in effect during such taxable year and taxed under the provisions of this chapter.*

(9) "Gross income" in the case of taxpayers other than corporations means "gross income" as defined in Section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the constitution and statutory laws of the United States;

(b) Exclude dividend income received from stock of banks and trust companies organized under the laws of this state;

(c) Exclude undistributed income attributed to shareholders of a corporation which has elected to be taxed under Subchapter S of Chapter I of the Internal Revenue Code;

(d) Include interest income derived from obligations of sister states and political subdivisions thereof;

(e) Include the amount of dividends excluded by Section 116 of the Internal Revenue Code;

(10) "Adjusted gross income" in the case of taxpayers other than corporations means gross income as defined in subsection (9) of this section minus the deductions allowed individuals by Section 62 of the Internal Revenue Code and adjusted as follows, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter, and except that nothing in this chapter shall be construed to permit the same item to be deducted more than once;

(a) Include all overpayments of Federal income tax refunded or credited to the taxpayer during the taxable year;

(b) Deduct Federal income tax;

(11) "Net income" in the case of taxpayers other than corporations means adjusted gross income as defined in subsection (10) of this section minus the standard deduction allowed by KRS 141.081, or, at the option of the taxpayer, minus all the deductions allowed individuals by Chapter 1 of the Internal Revenue Code except those listed below, except that deductions shall be limited to amounts allocable to income subject to taxation under the provisions of this chapter and that nothing in this chapter shall be construed to permit the same item to be deducted more than once:

(a) The net operating loss deduction allowed under Section 172 of the Internal Revenue Code;

(b) Any deduction allowed by the Internal Revenue Code for state taxes measured by gross or net income;

(c) Any deduction allowed by the Internal Revenue Code for amounts allowable under KRS 140.090 (h) in calculating the value of the distributive shares of the estate of a decedent, unless there is filed with the income return a statement that such deduction has not been claimed under KRS 140.090 (h);

(d) The deduction for personal exemptions allowed under Section 151 of the Internal Revenue Code and any other deductions in lieu thereof;

(12) "Gross income," in the case of corporations, means "gross income" as defined in Section 61 of the Internal Revenue Code and adjusted as follows:

(a) Exclude income that is exempt from state taxation by the Kentucky Constitution and the constitution and statutory laws of the United States;

(b) Exclude dividend income received from stocks of banks and trust companies organized under the laws of this state;

(c) Include all overpayments of Federal income tax refunded or credited to the taxpayer during the taxable year, other than such refunds or credits attributable to losses incurred prior to January 1, 1967;

(d) Include interest income derived from obligations of sister states and political subdivisions thereof;

(e) Exclude fifty percent of gross income derived from any disposal of coal covered by Section 631 (c) of the Internal Revenue Code if the corporation does not claim any deduction for percentage depletion, or for expenditures attributable to the making and administering of the contract under which such disposition occurs or to the preservation of the economic interests retained under such contract;

(f) Include in the gross income of lessors income tax payments made by lessees to lessors under the provisions of Section 110 of the Internal Revenue Code, and exclude such payments from the gross income of lessees;

(g) Include the amount calculated under KRS 141.205 (5);

(h) Ignore the provisions of Section 281 of the Internal Revenue Code in computing gross income;

(13) "Net income," in the case of corporations, means "gross income" as defined in subsection (12) of this section minus all the deductions from gross income allowed corporations by Chapter 1 of the Internal Revenue Code, except the following:

(a) Any deduction for a state tax which is computed, in whole or in part, by reference to gross or net income;

(b) The deductions contained in Sections 172, 176, 242, 243, 244, 245, and 247 of the Internal Revenue Code;

(c) The provisions of Section 281 of the Internal Revenue Code shall be ignored in computing net income;

(14) (a) "Taxable net income," in the case of corporations having income taxable only in this state, means "net income" as defined in subsection (13) of this section minus Federal income tax as defined in subsection (8) of this section, and

(b) "Taxable net income," in the case of corporations having income taxable both within and without this state means "net income" as defined in subsection (13) of this section and as allocated and apportioned under KRS 141.120, minus Federal income tax as defined in subsection (8) of this section;

(15) "Person" means "person" as defined in Section 7701 (a) (1) of the Internal Revenue Code;

(16) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed and in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the commissioner, "taxable year" means the period for which such return is made;

(17) "Resident" means any individual domiciled within this state;

(18) "Nonresident" means any individual not a resident of this state;

(19) "Employer" means "employer" as defined in Section 3401 (d) of the Internal Revenue Code;

(20) "Employe" means "employe" as defined in Section 3401 (c) of the Internal Revenue Code;

(21) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;

(22) "Wages" means "wages" as defined in Section 3401 (a) of the Internal Revenue Code;

(23) "Payroll period" means "payroll period" as defined in Section 3401 (b) of the Internal Revenue Code;

(24) "Corporations" means "corporations" as defined in Section 7701 (a) (3) of the Internal Revenue Code.

Section 2. KRS 141.205 is amended to read:

(1) The department may require any parent corporation or subsidiary corporation doing business within this state to file a consolidated return covering the entire operations of the parent corporation and its subsidiaries, whenever it finds that the intercorporate transactions of the related group tend to reduce the net income of the corporation, or corporations, doing business within this state below the amount that would probably result if such corporation, or corporations, was not a member of the related group.

(2) The department is authorized and empowered in such manner as it may determine, to assess the tax against any of the corporations whose net income is involved in the consolidated return upon the basis of the combined net income and such other information as it may possess, or it may adjust the tax in such other manner as it shall determine necessary to prevent avoidance of taxes or to clearly reflect the taxable net income earned by such corporation or corporations.

(3) Any corporation owning or controlling either directly or indirectly eighty percent or more of the voting stock of another corporation shall be deemed a parent corporation for purposes of this section. Any corporation having a parent corporation shall

be deemed a subsidiary corporation for purposes of this section. Corporations having a common parent shall be considered members of a related group.

(4) If the consolidated return required under this section is not filed within sixty days after demand by the department, said parent corporation or subsidiary corporation or both, shall be subject to the penalty provided in this chapter for failure to file returns.

(5) In the case of a corporation doing business in this state and not required to file a consolidated return under subsection (1) of this section that carried on transactions with stockholders or affiliated corporations directly or indirectly, the department shall adjust the net income of such corporation to an amount that would result if such transactions were carried on at arm's length.

(6) In the case of a corporation which is not required to file a consolidated return under subsection (1) of this section and which participates in the filing of a consolidated return under Section 1501 of the Internal Revenue Code, deduction for federal income tax shall be determined *in accordance with KRS 141.010 (8) but* in the same manner as if the corporation had filed a separate return [under the Internal Revenue Code and paid a tax based upon the current tax rate].

Section 3. The provisions of Part II of this Act shall apply to taxable years beginning on or after January 1, 1968.

## PART III

Section 1. KRS 138.450 is amended to read:

As used in KRS 138.460 and 138.470, unless the context requires otherwise:

(1) "Dealer" means any person engaged in the sale of motor vehicles at retail;

(2) "Motor vehicle" means any vehicle that is propelled by other than muscular power and that is used for transportation of persons or property over the public highways of the

state, except road rollers, vehicles that travel exclusively on rails, and vehicles propelled by electric power obtained from overhead wires;

(3) "Retail price" for new motor vehicles shall be *the manufacturer's suggested retail price of* [determined by the price for which] the vehicle with all equipment and accessories, standard and optional, *and transportation charges.* [is sold by regularly authorized dealers in motor vehicles in the county in which the license is applied for, or, if not sold in that county, then in the nearest county in which the motor vehicle is sold]; for used motor vehicles it shall be determined by the *retail* value given in the Automotive Reference Manual prescribed by the Department of Revenue.

Section 2. KRS 138.460 is amended to read:

(1) *On and after April 1, 1968* a tax levied upon ninety percent of its retail price at the rate of *five* [three] percent shall be paid on the use in this state of every motor vehicle, except those exempted by KRS 138.470, at the time and in the manner provided in this section.

(2) The tax shall be collected by the county court clerk or other officer with whom the vehicle is required to be registered:

*(a)* when he collects the registration fee for registering and licensing a motor vehicle the first time it is offered for registration in this state,

*(b) or upon the transfer of ownership of any motor vehicle previously registered in this state.* [The tax shall be accounted for to the Department of Revenue as registration and license fees are by law accounted for.]

*(3) The tax collected by the county clerk under this section shall be reported and remitted to the Department of Revenue in the same manner as registration fees on motor vehicles are required to be reported and remitted to the department by KRS 186.230 (5).* The county clerk shall [be paid by the state] for his services in collecting the tax *be entitled to retain* an amount equal to two percent of the tax collected and accounted for.

*(4)* [(3)] No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, *or transfer the ownership of any motor vehicle previously registered in this state,* unless the owner *or his agent* pays the *tax levied under this section* [motor vehicle usage tax] in addition to the *transfer,* registration and license fees.

*(5) When a resident of this state offers a motor vehicle for registration for the first time in this state which was registered in another state that levied a tax substantially identical to the tax levied under this section, such person shall be entitled to receive a credit against the tax imposed by this section equal to the amount of tax paid to the other state. No credit shall be given under this subsection for taxes paid in another state if that state does not grant similar credit for substantially identical taxes paid in this state.*

*(6) A credit against the tax imposed by this section is hereby allowed to nonresident owners of vehicles used strictly in interstate commerce, required to be registered in this state by reason of operational requirements or fleet prorating agreements to the extent of any similar tax paid by such owners to another state.*

*(7)* [(4)] No county clerk or other officer shall register or issue any license tags to the owner of any motor vehicle subject to this tax, when the vehicle is then being offered for registration for the first time, unless the seller or his agent delivers to the county clerk or other officer a certified or photostat copy of the manufacturer's price label for passenger cars or a certified or photostat copy of the itemized billing to the customer in the case of all other motor vehicles; and the clerk shall attach the certified or photostat copy to the copy of the *certificate of* registration *and ownership* [certificate] mailed to the department.

Section 3. KRS 138.470 is amended to read:

There is expressly exempted from the tax imposed by KRS 138.460:

(1) Motor vehicles sold to the United States, or to the Commonwealth of Kentucky *or any of its political subdivisions;*

*(2) Motor vehicles sold to institutions of purely public charity and institutions of education not used or employed for gain by any person or corporation;*

*(3) Motor vehicles sold or transferred to licensed motor vehicle dealers for resale;*

*(4) Motor vehicles sold or transferred to nonresident members of the armed forces on duty in this Commonwealth under orders from the United States Government.*

[(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period.]

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) Any person other than a dealer, as defined in KRS 186.010 (9), who sells or transfers a motor vehicle in this state shall deliver to the county clerk the bill of sale and certificate of registration and ownership and transfer the vehicle to the new owner within ten days of the date of the sale or transfer of ownership.

(2) Any person who violates subsection (1) of this section shall be subject to the penalties set out in KRS 186.990 (2).

Section 5. A new section of the Kentucky Revised Statutes is created to read:

The tax imposed by Part III of this Act shall be construed as a tax on the privilege of using a motor vehicle upon the public highways of this Commonwealth and shall be separate and distinct from all other taxes imposed by this Commonwealth. The provisions of Part III of this Act shall in no way be construed together with the provisions of Kentucky Revised Statutes Chapters 132 or 139.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

The provisions of Part III of this Act shall become effective

on April 1, 1968. With respect to motor vehicles transferred or registered by the county clerk or other officer prior to April 1, 1968, the provisions of KRS 138.450, 138.460 and 138.470, as they existed immediately prior to the enactment of this Act, shall remain applicable, the same as though they had not been amended by this Act.

PART IV

Section 1. KRS 186.040 is amended to read:

(1) Upon receiving the application and fee, the county clerk shall issue to the owner a *certificate of* registration *and ownership* [receipt] containing the information required by subsection (2) and a registration plate. If the department finds that there is a shortage of materials suitable for making plates, or that a substantial saving will result, it may require by regulation with the approval of the Governor that previously issued plates continue to be used for a designated period. For services performed the owner shall pay the county clerk the sum of *one dollar* [fifty cents] for each registration. [In addition to the registration fee for vehicles having a declared gross weight of 18,000 pounds or less and shall pay the county clerk the sum of one dollar for each registration of a vehicle having a declared gross weight of 18,001 pounds or more.]

(2) The *certificate of* registration *and ownership* [receipt] shall contain the registration number, the names and post office addresses of the owner and the secured party as shown by the financing statement on file in the office of the county clerk and such other information as the department may require. The owner's copy of such *certificate* [receipt] shall bear the seal of the county clerk who issued same. No fee shall be charged for placing such seal on the owner's copy of the *certificate* [receipt].

(3) If a motor vehicle, other than a new motor vehicle, is registered in this state under the authority of a bill of sale, registration receipt or title, the *certificate of* registration *and ownership* [receipt] shall show the title or the registration number and the name of the state issuing same under which the motor vehicle was last registered in addition to the other required information.

Section 2. KRS 186.050 is amended to read:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be *$11.50* [$4.50].

(2) The annual registration fee for each motorcycle shall be *$5.00* [$2.00], and for each sidecar attachment, *$3.00* [$1.00].

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) through (13), shall be as follows:

| Declared Gross Weight of Vehicle and Any Towed Unit | Registration Fee |
|---|---|
| 0 - 6,000 | *$ 11.50* [$10.00] |
| 6,001 - 10,000 | 24.00 |
| 10,001 - 14,000 | 30.00 |
| 14,001 - 18,000 | 50.00 |
| 18,001 - 22,000 | 132.00 |
| 22,001 - 26,000 | 160.00 |
| 26,001 - 32,000 | 216.00 |
| 32,001 - 38,000 | 300.00 |
| 38,001 - 44,000 | 474.00 |
| 44,001 - 62,000 | 588.00 |
| 62,001 - 73,280 | 750.00 |

(4) Any farmer owning a truck having a gross weight of 24,000 pounds or less may have it registered as a farmer's truck and obtain a license for *$11.50* [$4.50]. The applicant's signature upon the *certificate of* registration *and ownership* [receipt] shall constitute a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 24,000 pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, machinery, live-

stock, materials and supplies necessary for his farming operation, and the products grown on his farm.

(5) Any person owning a truck or bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a license for *$11.50* [$4.50] by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for *$11.50* [$4.50] by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for *$11.50* [$9.50] by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the

limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out insubsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidence to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the *certificate of* registration *and ownership* [certificate] shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railroad or tipple is located at a point not more than fifty air miles from the point at which such coal is mined, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the *certificate of* registration *and ownership* [receipt] shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full mount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourth of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county clerk a certification from the department that the vehicle may be licensed in accordance

herewith. No clerk shall issue registration under this section without attaching a copy of the department's certification to the Department of Revenue copy of the *certificate of* registration *and ownership.* [receipt.]

(11) Any owner of a commercial vehicle registered for a declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may register such vehicle and obtain a "For Sale" *certificate of* registration *and ownership* [receipt] for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.

Section 3. KRS 186.070 is amended to read:

(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and any branch office or sub-agent or agency is located, and pay an annual registration fee of twenty-five dollars to each clerk. Upon receipt of this fee, the clerk shall issue the manufacturer or dealer a certificate of registration and one dealer plate. Every manufacturer or dealer registered under this section shall be furnished additional dealer's plates upon the payment of *$12.50* [five dollars] for

each plate so desired. *One dollar shall be retained by the county clerk for his services.* A motor vehicle bearing dealer's plates may be used only by a member of the firm registered or by a bona fide salesman or employe of the firm for any purpose reasonably connected with the sale or demonstration for sale and delivery of the dealer's motor vehicles, or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highways of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles. Any dealer in motor vehicles may allow any bona fide customer or the customer's employes to use the dealer's tag on the motor vehicle that is being demonstrated. This provision shall be limited to one trip or demonstration to the same prospective customer.

(2) Each manufacturer and dealer when making application for dealer's plates shall file a verified statement with the clerk, giving the name and address of each member of the firm and each bona fide salesman or employe entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employe so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesmen or employes are employed, an amended verified statement showing their names and addresses shall be filed with the clerk so that the records in the clerk's office will at all times show the bona fide salesmen and employes actually in the service of the registered dealer or manufacturer.

(3) The license of any dealer or manufacturer may be revoked by the Department of Revenue for the violation of any of the provisions of this section. Such manufacturer or dealer shall be given an opportunity to be heard in defense of the charge that he has violated any of the provisions of this section and the Department of Revenue shall adopt and promulgate rules and regulations governing the procedure for such revocation. Provided, however, that any manufacturer or dealer whose license is so revoked may prosecute an appeal to the Kentucky Board of Tax Appeals as provided by law. Such manufacturer or dealer whose license has been suspended is prohibited from engaging in the business of selling or buying

motor vehicles. The license of any manufacturer or dealer shall be revoked for a period of one year and his dealer's plates cancelled in the event he violates any of the provisions of this section during this suspension period or has been suspended by the department more than twice for violations of this section. At the end of the revocation or suspension period the manufacturer or dealer whose license has been revoked or suspended and dealer's plates cancelled may follow the provisions of this section and again be registered and secure dealer's plates from the clerk.

(4) The Department of Revenue shall be responsible for the administration of this section, and is empowered to promulgate rules and regulations pertaining to the administration thereof.

Section 4. Part IV of this Act shall become effective upon the issuance of 1969 motor vehicle registration certificates and for each year thereafter.

PART V

Section 1. It is the intent of the General Assembly in enacting this Act, that if any part, section, subsection, clause, sentence or phrase is held unconstitutional the remaining parts, section, subsection, clauses, sentences or phrases shall remain in force, unless the remaining parts, sections, subsections, clauses, sentences or phrases are so essentially and inseparably connected with and dependent upon the unconstitutional parts, sections, subsections, clauses, sentences or phrases that it is apparent the remaining parts, sections, subsections, clauses, sentences or phrases would not have been enacted without the unconstitutional part, section, subsection, clause, sentence or phrase, or unless the remaining parts, sections, subsections, clauses, sentences or phrases standing alone are incomplete and incapable of being executed.

Section 2. WHEREAS, the taxes currently being collected have proved inadequate to support properly the functions of government and carry out with full effect the legislative programs enacted into law by the members of the General As-

sembly, and whereas, it is in the best interests of the people of the Commonwealth of Kentucky that the provisions of this Act take effect at the earliest possible date, an emergency is hereby declared to exist and this Act shall become law immediately upon its passage by the Legislature and approval by the Governor.

Committee Amendment No. 1 to **HB 399** is as follows:

Amend printed copy of House Bill 399 on page 16, line 23, by:

inserting after the period after the word "Revenue." the following sentence:

*In the case of used motor vehicles previously registered in this state, which are sold in this state, a trade-in allowance equal to the value of the vehicle taken in trade as sworn to by the seller not to exceed the fair market value of the vehicle taken in trade shall be deducted in computing the retail price of the vehicle sold.*

Committee Amendment No. 2 to **HB 399** is as follows:

Amend printed copy of House Bill 399 on page 18, by:

striking lines 9-14 in their entirety;

and on page 18, line 15, by striking *"(7)"* and inserting in lieu thereof *"(6)"*; and on page 19, between lines 9 and 10, by inserting the following:

*"(5) Commercial motor vehicles, excluding passenger vehicles having a seating capacity for nine persons or less, owned by nonresident owners and used primarily in interstate commerce and based in a state other than Kentucky which are required to be registered in Kentucky by reason of operational requirements or fleet proration agreements and are registered pursuant to KRS 186.145.";*

and on page 28, between lines 19 and 20, by adding a new section:

"Section 4. KRS 186.145 is amended to read:

Any motor vehicle properly registered *and titled* in another state belonging to a nonresident, which vehicle is required to be registered in this state by reason of lack of reciprocal agreement

with the state in which it is registered, or by reason of not qualifying for reciprocity under an existing reciprocal agreement with the state in which it is registered, may be registered with the county clerk by presenting a photostat or certified copy of the registration receipt or certificate of title issued to the nonresident in his home state. The registration receipt issued by the county clerk shall be stamped across its face with a notation prescribed by the department that will indicate the registration receipt so issued cannot be used in transferring legal title to the motor vehicle. However, under regulations prescribed by the department, a registration receipt so issued may be transferred to a new owner if the foreign legal title and registration is transferred in that state to the new owner. Nothing contained in this section shall release the owner of the vehicle from any tax fees or other requirements imposed by law.";

and on page 28, line 20, by renumbering "Section 4" as "Section 5"

**HB 400,** AN ACT relating to appropriations for the operation, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

PART ONE
GENERAL FUND

There is appropriated out of the General Expenditure Fund for the fiscal year ended June 30, 1968, and, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1968, for the fiscal year beginning July 1, 1968, and ending June 30, 1969, and, including any unappropriated surplus to the General Expenditure Fund as of June 30, 1969, for the fiscal year beginning July 1, 1969, and ending June 30, 1970, the following sums for the following officers, departments, boards, commissions, institutions, subdivisions, and agencies of the state government, and any and all other activities of the government of

the Commonwealth of Kentucky subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes, for which a specific appropriation is in Part One listed as follows:

## I. GENERAL GOVERNMENT

### 1. LEGISLATURE

A. *Legislative Sessions.*

| | |
|---|---|
| 1968-69 | $ 388,400 |
| 1969-70 | $1,126,650 |

B. *Legislative Research Commission.*

| | |
|---|---|
| 1968-69 | $537,640 |
| 1969-70 | $611,286 |

C. *Legislative Audit Committee.*

| | |
|---|---|
| 1968-69 | $ 80,000 |
| 1969-70 | $100,000 |

D. *Speaker of House of Representatives.*

| | |
|---|---|
| 1968-69 | $ 25,000 |
| 1969-70 | $ 25,000 |

E. *Council of State Governments.*

| | |
|---|---|
| 1968-69 | $ 14,000 |
| 1969-70 | $ 20,200 |

F. *Majority Office.*

| | |
|---|---|
| 1968-69 | $ 25,000 |
| 1969-70 | $ 25,000 |

G. *Minority Office.*

| | |
|---|---|
| 1968-69 | $ 25,000 |
| 1969-70 | $ 25,000 |

TOTAL—LEGISLATURE

| | |
|---|---|
| 1968-69 | $1,095,040 |
| 1969-70 | $1,933,136 |

## 2. JUDICIARY

A. *Court of Appeals.*
1968-69 ..... $485,040
1969-70 ..... $494,955

B. *State Law Library.*
1968-69 ..... $ 58,130
1969-70 ..... $ 97,250

C. *Clerk of Court of Appeals.*
1968-69 ..... $ 81,010
1969-70 ..... $ 81,940

D. *Circuit Judges.*
1968-69 ..... $1,452,240
1969-70 ..... $1,454,130

E. *Judicial Retirement System.*
1968-69 ..... $1,000,000

---

TOTAL—JUDICIARY
1968-69 ..... $3,076,420
1969-70 ..... $2,128,275

---

## 3. BOARD OF TAX APPEALS

1968-69 ..... $ 57,425
1969-70 ..... $ 57,830

---

## 4. LIEUTENANT GOVERNOR

1968-69 ..... $137,645
1969-70 ..... $143,750

---

## 5. EXECUTIVE DEPARTMENT

A. *Governor's Office.*
1968-69 ..... $346,000
1969-70 ..... $358,000

B. *Area Development Office.*
1968-69 ..... $258,475
1969-70 ..... $279,235

C. *Economic Opportunity Staff.*

1968-69 ..... $ 21,670
1969-70 ..... $ 22,470

D. *State Planning Committee.*

1968-69 ..... $800,000
1969-70 ..... $800,000

For costs of conducting state planning studies which shall be approved by the State Planning Committee and the Commissioner of Finance. Portions of the above appropriations may be transferred to other departments for the purpose of matching other funds available for planning studies.

---

TOTAL—EXECUTIVE DEPARTMENT

1968-69 ..... $1,426,145
1969-70 ..... $1,459,705

---

6. DEPARTMENT OF FINANCE

A. *General Operations.*

1968-69 ..... $3,861,365
1969-70 ..... $3,878,200

B. *Maintenance of Buildings.*

1968-69 ..... $ 30,000
1969-70 ..... $ 30,000

---

TOTAL—DEPARTMENT OF FINANCE

1968-69 ..... $3,891,365
1969-70 ..... $3,908,200

---

7. DEPARTMENT OF REVENUE

A. *General Operations.*

1967-68 ..... $ 150,000
1968-69 ..... $6,640,245
1969-70 ..... $7,055,145

B. *Reappraisals.*

1968-69 ..... $ 350,000
1969-70 ..... $ 250,000

Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

C. *County Tax Commissioners.*

| | |
|---|---|
| 1968-69 | $2,675,000 |
| 1969-70 | $2,758,000 |

Any expenses in excess of the above amounts shall be deemed necessary governmental expenses.

---

TOTAL—DEPARTMENT OF REVENUE

| | |
|---|---|
| 1967-68 | $ 150,000 |
| 1968-69 | $ 9,665,245 |
| 1969-70 | $10,063,145 |

---

8. DEPARTMENT OF PERSONNEL

A. *General Operations.*

| | |
|---|---|
| 1968-69 | $549,900 |
| 1969-70 | $586,470 |

Notwithstanding the provisions of KRS 18.330, the above appropriation is to be used for the pro-rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for all departments, commissions, boards, or other agencies which receive support from the General Expenditure Fund or Revolving Trust and Agency Funds.

B. *Frankfort Semester Program.*

| | |
|---|---|
| 1968-69 | $ 26,250 |
| 1969-70 | $ 26,250 |

---

TOTAL—DEPARTMENT OF PERSONNEL

| | |
|---|---|
| 1968-69 | $576,150 |
| 1969-70 | $612,720 |

---

9. STATE AND COUNTY RETIREMENT SYSTEM

| | |
|---|---|
| 1968-69 | $40,900 |
| 1969-70 | $41,700 |

---

10. DEPARTMENT OF LAW

1968-69 ..... $461,330
1969-70 ..... $449,490

---

11. DEPARTMENT OF PUBLIC INFORMATION

1968-69 ..... $1,600,200
1969-70 ..... $1,641,000

The sum of $133,000 from the appropriation for the 1968-69 fiscal year, and $136,000 for the 1969-70 fiscal year may be used for the cooperative advertising program to encourage and assist local agencies in the promotion of tourist attractions. The department may make matching grants not to exceed 50 per cent to local governments and agencies for such purpose.

---

12. SECRETARY OF STATE

1968-69 ..... $157,140
1969-70 ..... $160,170

---

13. TREASURER

1968-69 ..... $455,010
1969-70 ..... $460,510

---

14. AUDITOR OF PUBLIC ACCOUNTS

1968-69 ..... $200,655
1969-70 ..... $208,280

For expenses of Auditor of Public Accounts incident to all audits of the agencies, institutions, and units of state government.

---

15. BOARD OF ELECTIONS

1968-69 ..... $417,905
1969-70 ..... $419,545

Any election expenses in excess of the above amounts shall be deemed necessary governmental expenses.

---

16. HERITAGE COMMISSION

1968-69 ..... $ 17,320
1969-70 ..... $ 16,120

---

17. REGISTRY OF ELECTION FINANCE

1968-69 ..... $ 40,000
1969-70 ..... $ 42,480

18. CAPITAL PLAZA AUTHORITY

A. *General Operations.*

1968-69 ..... $ 26,220
1969-70 ..... $ 26,225

B. *Debt Service.*

1968-69 ..... $300,000
1969-70 ..... $300,000

TOTAL—CAPITAL PLAZA AUTHORITY

1968-69 ..... $326,220
1969-70 ..... $326,225

TOTAL—GENERAL GOVERNMENT

1967-68 ..... $ 150,000
1968-69 ..... $23,642,115
1969-70 ..... $24,072,281

## II. EDUCATION

19. DEPARTMENT OF EDUCATION

A. *Central Administration.*

1968-69 ..... $1,958,360
1969-70 ..... $2,067,770

B. *School Foundation Program.*

1968-69 ..... $182,612,750
1969-70 ..... $224,570,630

The amount to be included in the 1968-69 school year in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following schedule for each rank:

| Rank | I | II | III | IV | V |
|---|---|---|---|---|---|
| Experience | | | | | |
| 0-3 Years | $5,950 | $5,550 | $5,150 | $2,900 | $2,600 |
| 4-9 Years | 6,550 | 6,150 | 5,750 | 2,900 | 2,600 |
| 10 Years & Over | 6,900 | 6,500 | 6,100 | 2,900 | 2,600 |

Beginning with the school year 1969-70, the amount to be included in the foundation program of a district for teachers' salaries shall be determined by multiplying the number of teachers in each rank, not to exceed the number of classroom units allowed, by the amount set forth in the following allotment schedule for each rank:

| Rank | I | II | III | IV | V |
|---|---|---|---|---|---|
| Experience | | | | | |
| 0-3 Years | $6,125 | $5,675 | $5,225 | $2,900 | $2,600 |
| 4-9 Years | 7,025 | 6,575 | 6,125 | 2,900 | 2,600 |
| 10 Years & Over | 7,550 | 7,100 | 6,650 | 2,900 | 2,600 |

No working budget or salary schedule shall be approved in which the average salary paid any rank of teacher is not at least equivalent to the allotment for that rank, or in which any teacher is paid less than ninety-five per cent (95%) of the Foundation Program allotment for that rank, except where there is a decline in local revenue of the district concerned after it has levied the maximum ad valorem property tax rate permitted by law. Any such reduction permitted shall be only for the amount of the decline in local revenue.

In the event any local board of education contends there has been a decline in local tax resources in that district, the State Board of Education shall certify such contention to the Department of Revenue. Said department shall then determine whether or not there has in fact been a decline in local tax resources of such district, and, if so, the amount of such decline. The Department of Revenue shall then certify its determination to the State Board of Education, and said Board shall accept such certified determination as final.

The allotment to any school district of classroom units, pursuant to KRS 157.360 (1), shall not exceed the number of teachers employed by that school district.

Entitlement for basic classroom units obtained in schools of one classification shall not be allocated to schools of another classification. For the purposes of determining such entitlement, classification shall be as follows:

(1) One-teacher schools;

(2) Schools, other than one-teacher schools, with less than one hundred pupils in average daily attendance; and

(3) Schools, other than one-teacher schools, with more than one hundred pupils in average daily attendance.

In the determination of allotments pursuant to KRS 157.360 (2), there shall not be allotted a full classroom unit for any non-isolated one-teacher school with fewer than 27 pupils in average daily attendance, or for any one-teacher school which has fewer than 12 pupils in average daily attendance.

Allotments, provision for which is made under this Act, for classroom units pursuant to KRS 157.360 (4) and (5) shall be as follows:

| | *1968-69* | *1969-70* |
|---|---|---|
| Vocational Education | 1,303 | 1,475 |
| Exceptional Children (Including Mental Retardation) | 790 | 1,060 |

Provided, however, that if classroom units in either category prove to be excessive, the surplus not to exceed fifty (50) such classroom units may be reallocated to the other category by the Superintendent of Public Instruction, upon approval of the State Board of Education and the Commissioner of Finance.

Allotments for classroom units pursuant to KRS 157.360 (6) shall only be for those personnel enumerated under said subsection who are qualified for their respective positions under applicable provisions of law and regulations, and who maintain programs which have been approved pursuant to applicable regulations.

The amount to be included in the foundation program for other current expenses shall be determined by multiplying the number of classroom units by: $1,100 in the 1968-69 school year and $1,400 in the 1969-70 school year.

The amount to be included in the foundation program for capital outlay shall be determined by multiplying the number of classroom units by: $700 in the 1968-69 school year and $1,200 in the 1969-70 school year.

In accordance with the intent of KRS 162.060 and 162.160, no space shall be rented, purchased, or otherwise acquired and thereafter converted to classroom use without prior approval of the Superintendent of Public Instruction. The State Board of Education may adopt regulations for the approval on an annual basis of temporary facilities for the housing of school children; provided, however, that no existing room shall be divided by partitions of nonstructural materials. No classroom units shall be allotted for a second teacher in the same classroom. No facilities shall be approved for classroom use which are detrimental to the health of or dangerous to the safety of school children.

If a school district operates any school or grade of a school for a term of less than nine and one-quarter (9-¼) scholastic months or for a school day of less than the minimum required by KRS 158.060, the average daily attendance of such school shall be reduced proportionately by the Superintendent of Public Instruction in determining the allotment of classroom units pursuant to KRS 157.400 and applicable regulations.

Notwithstanding the provisions of KRS 157.400, any undistributed balance in the foundation program fund at the end of the fiscal years 1967-68 and 1968-69 shall lapse to the General Fund. Notwithstanding the provisions of KRS 156.650, no unexpended portions of the foundation program fund shall be expended at any time for the purpose of KRS 156.610 through 156.650.

The total appropriation for the Foundation Program shall be measured by or construed as estimates of the state expenditures required by KRS 157.310, et. seq. If the required expenditures exceed these estimates, the Commissioner of Finance, with approval of the Governor, may increase the appropriation by

such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the hereinabove cited sections of the Kentucky Revised Statutes; provided, however, that any such increase, or the total appropriation to the Foundation Program, is subject to the provisions of paragraph 8 of Part Four, General Provisions, of this Act, and the provisions of KRS 45.160.

C. *Vocational Education.*

1968-69 ----------$6,615,520
1969-70 ----------$8,886,490

D. *Vocational Education-Equipment for New Facilities.*

1968-69 ----------$3,290,300

Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

E. *Rehabilitation Services.*

1968-69 ----------$800,000
1969-70 ----------$850,000

Any unexpended balance not to exceed $10,000 which remains at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

F. *Free Textbooks.*

1968-69 ----------$2,600,000
1969-70 ----------$2,600,000

For the purchase of textbooks in accordance with KRS 157.100, et. seq., and applicable regulations. Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

G. *Out-of-District Children.*

1968-69 ----------$300,450
1969-70 ----------$302,370

Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

H. *School for the Deaf.*
1968-69 ..... $795,750
1969-70 ..... $865,900

I. *School for the Blind.*
1968-69 ..... $519,930
1969-70 ..... $557,420

J. *Industries for the Blind.*
1968-69 ..... $ 69,500
1969-70 ..... $ 74,000

K. *Educational Television Authority.*
1968-69 ..... $2,100,000
1969-70 ..... $2,400,000

---

TOTAL—DEPARTMENT OF EDUCATION
1968-69 ..... $201,662,560
1969-70 ..... $243,174,580

---

20. TEACHERS' RETIREMENT SYSTEM
1968-69 ..... $19,166,760
1969-70 ..... $17,187,910

For administering and complying with the obligations of the state under the Teachers' Retirement Act as provided in KRS 161.220 to 161.710.

---

21. COMMITTEE FOR SCHOOL DISTRICT AUDITS
1968-69 ..... $101,900
1969-70 ..... $102,700

---

22. COUNCIL ON PUBLIC HIGHER EDUCATION

A. *General Operations.*
1968-69 ..... $ 95,725
1969-70 ..... $ 99,750

B. *Madisonville Cooperative College.*
1968-69 ..... $ 45,000
1969-70 ..... $ 45,000

C. *Special Studies.*
1968-69 ----------$100,000

Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

D. *Southern Regional Education Board.*
1968-69 ----------$194,600
1969-70 ----------$218,400

---

TOTAL—COUNCIL ON PUBLIC HIGHER EDUCATION
1968-69 ----------$435,325
1969-70 ----------$363,150

---

23. UNIVERSITY OF KENTUCKY
1968-69 ----------$47,121,980
1969-70 ----------$51,540,790

---

24. EASTERN KENTUCKY UNIVERSITY
1968-69 ----------$ 8,547,220
1969-70 ----------$10,578,200

---

25. WESTERN KENTUCKY UNIVERSITY
1968-69 ----------$ 9,056,490
1969-70 ----------$11,703,290

---

26. MURRAY STATE UNIVERSITY
1968-69 ----------$6,214,220
1969-70 ----------$8,152,050

---

27. MOREHEAD STATE UNIVERSITY
1968-69 ----------$5,540,100
1969-70 ----------$7,290,170

---

28. KENTUCKY STATE COLLEGE
1968-69 ----------$2,169,990
1969-70 ----------$2,585,500

---

29. UNIVERSITY OF LOUISVILLE

1968-69 ----------$3,100,000
1969-70 ----------$3,100,000

30. HIGHER EDUCATION ASSISTANCE AUTHORITY

1968-69 ----------$110,000
1969-70 ----------$120,000

31. LINCOLN SCHOOL

1968-69 ----------$612,400
1969-70 ----------$760,100

32. DEPARTMENT OF LIBRARIES

A. *General Operations.*

1968-69 ----------$1,561,725
1969-70 ----------$1,642,520

B. *Library Demonstrations.*

1968-69 ----------$100,000
1969-70 ----------$110,000

C. *Talking Book Program.*

1968-69 ----------$ 50,000
1969-70 ----------$ 30,000

D. *Construction Grants.*

1968-69 ----------$200,000
1969-70 ----------$225,000

TOTAL—DEPARTMENT OF LIBRARIES

1968-69 ----------$1,911,725
1969-70 ----------$2,007,520

33. ARTS COMMISSION

1968-69 ----------$118,515
1969-70 ----------$134,980

34. HISTORICAL SOCIETY

1968-69 ----------$180,000
1969-70 ----------$191,800

TOTAL—EDUCATION

1968-69 ..... $306,049,185
1969-70 ..... $358,992,740

---

## III. HEALTH AND WELFARE

### 35. DEPARTMENT OF ECONOMIC SECURITY

A. *Administration.*

1967-68 ..... $ 267,733
1968-69 ..... $6,985,000
1969-70 ..... $7,286,000

B. *Public Assistance Benefits and Services.*

1967-68 ..... $ 2,126,067
1968-69 ..... $31,111,000
1969-70 ..... $33,414,000

For benefits and services to the needy, in accordance with the provisions of the statutes governing the functions and activities of the Department of Economic Security. No part of this appropriation shall be used for the costs of administration.

All medical assistance vendor statement for services rendered as a result of bona fide claims for public assistance medical care may be paid in the fiscal year in which such statements are received by the paying agency.

---

TOTAL—DEPARTMENT OF ECONOMIC SECURITY

1967-68 ..... $ 2,393,800
1968-69 ..... $38,096,000
1969-70 ..... $40,700,000

---

### 36. DEPARTMENT OF MENTAL HEALTH

A. *General Operations.*

1968-69 ..... $20,050,000
1969-70 ..... $20,300,000

B. *Hospital Renovation.*

1968-69 ..... $2,050,000
1969-70 ..... $1,650,000

Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

C. *Hospital Maintenance.*
1968-69 ----------$150,000
1969-70 ----------$150,000

---

TOTAL—DEPARTMENT OF MENTAL HEALTH
1968-69 ----------$22,250,000
1969-70 ----------$22,100,000

---

37. DEPARTMENT OF HEALTH
1967-68 ----------$ 150,000
1968-69 ----------$6,987,000
1969-70 ----------$7,299,000

---

38. DEPARTMENT OF CORRECTIONS

A. *General Operations.*
1968-69 ----------$6,761,000
1969-70 ----------$7,000,000

B. *Maintenance of Buildings.*
1968-69 ----------$ 80,000
1969-70 ----------$ 80,000

C. *Renovation and Improvements.*
1968-69 ----------$900,000

Any unexpended balance remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

---

TOTAL—DEPARTMENT OF CORRECTIONS
1968-69 ----------$7,741,000
1969-70 ----------$7,080,000

---

39. DEPARTMENT OF CHILD WELFARE

A. *General Operations.*
1968-69 ----------$6,676,960
1969-70 ----------$7,214,830

For general operations including Jewel Manor Girls' Center, Daniel Boone Boys' Center, and a total of 1,200 foster care placements in the 1968-69 fiscal year and 1,400 foster care placements in the 1969-70 fiscal year.

B. *Maintenance of Buildings.*

1968-69 ..... $ 60,000
1969-70 ..... $ 60,000

C. *Commission on Children and Youth.*

1968-69 ..... $ 41,000
1969-70 ..... $ 43,000

D. *Renovation and Improvements.*

1969-70 ..... $450,000

---

TOTAL—DEPARTMENT OF CHILD WELFARE

1968-69 ..... $6,777,960
1969-70 ..... $7,767,830

---

40. TUBERCULOSIS HOSPITAL COMMISSION

A. *General Operations.*

1968-69 ..... $4,916,270
1969-70 ..... $5,242,670

B. *Maintenance of Buildings.*

1968-69 ..... $ 50,000
1969-70 ..... $ 50,000

---

TOTAL—TUBERCULOSIS HOSPITAL COMMISSION

1968-69 ..... $4,966,270
1969-70 ..... $5,292,670

---

41. COMMISSION FOR HANDICAPPED CHILDREN

1968-69 ..... $1,469,300
1969-70 ..... $1,447,250

All medical assistance vendor statements for services rendered as a result of bona fide claims for medical care may be paid in the fiscal year in which such statements are received by the paying agency.

---

42. COMMISSION ON HUMAN RIGHTS

1968-69 ..... $202,140
1969-70 ..... $209,260

---

43. COMMISSION ON AGING

1968-69 ..... $ 25,000
1969-70 ..... $ 25,000

---

TOTAL—HEALTH AND WELFARE

1967-68 ..... $ 2,543,800
1968-69 ..... $88,514,670
1969-70 ..... $91,921,010

---

IV. RESOURCES DEVELOPMENT

44. DEPARTMENT OF PARKS

A. *General Operations.*

1968-69 ..... $4,027,850
1969-70 ..... $4,270,000

B. *Building Maintenance.*

1968-69 ..... $298,150
1969-70 ..... $300,000

C. *Grounds Maintenance.*

1968-69 ..... $ 35,000
1969-70 ..... $ 12,000

D. *Equipment.*

1968-69 ..... $500,000
1969-70 ..... $500,000

---

TOTAL—DEPARTMENT OF PARKS

1968-69 ..... $4,861,000
1969-70 ..... $5,082,000

---

45. BREAKS INTERSTATE PARK COMMISSION

1968-69 ..... $114,250
1969-70 ..... $114,250

For matching funds appropriated by the Commonwealth of Virginia relating to construction, maintenance, and operations at

The Breaks Interstate Park. This appropriation is contingent upon an appropriation by the Commonwealth of Virginia adequate to match this amount on an equal basis; provided, however, that appropriations to date shall be considered cumulatively and any deficit in appropriations by this state may be removed.

46. INDUSTRIAL FINANCE AUTHORITY

1968-69 ..... $800,000

47. DEPARTMENT OF COMMERCE

A. *General Operations.*

1968-69 ..... $1,552,700
1969-70 ..... $1,554,900

B. *Geological Projects.*

1968-69 ..... $723,000
1969-70 ..... $723,000

TOTAL—DEPARTMENT OF COMMERCE

1968-69 ..... $2,275,700
1969-70 ..... $2,277,900

48. DEPARTMENT OF AERONAUTICS

A. *General Operations.*

1968-69 ..... $273,400
1969-70 ..... $277,700

B. *Airport Development.*

1968-69 ..... $ 500,000
1969-70 ..... $1,225,000

Any unexpended balance remaining at the close of 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year.

TOTAL—DEPARTMENT OF AERONAUTICS

1968-69 ..... $ 773,400
1969-70 ..... $1,502,700

## 49. DEPARTMENT OF NATURAL RESOURCES

A. *General Operations.*

1968-69 ..... $2,310,970
1969-70 ..... $2,307,150

Not less than $60,000 of the appropriation for each year shall be set aside for emergency forest fire suppression. Any unexpended balance of this amount remaining at the close of the 1968-69 fiscal year shall not lapse, but shall continue into the 1969-70 fiscal year. Any expenditure for emergency fire suppression in excess of the amount available in either fiscal year is hereby declared to be a necessary governmental expense; provided, however, that an emergency situation has been declared to exist by the Governor.

B. *Soil Conservation Districts.*

1968-69 ..... $125,000
1969-70 ..... $125,000

C. *Equipment Revolving Loan Fund.*

1968-69 ..... $250,000

TOTAL—DEPARTMENT OF NATURAL RESOURCES

1968-69 ..... $2,685,970
1969-70 ..... $2,432,150

## 50. DEPARTMENT OF AGRICULTURE

A. *General Operations.*

1968-69 ..... $2,131,090
1969-70 ..... $2,199,760

B. *Hopkinsville Diagnostic Laboratory.*

1968-69 ..... $314,450
1969-70 ..... $303,250

TOTAL—DEPARTMENT OF AGRICULTURE

1968-69 ..... $2,445,540
1969-70 ..... $2,503,010

51. DEPARTMENT OF LABOR

1968-69 ..... $388,930
1969-70 ..... $402,780

52. DEPARTMENT OF MINES AND MINERALS

1968-69 ..... $524,500
1969-70 ..... $555,850

53. STATE FAIR BOARD

A. *General Operations.*

1968-69 ..... $450,000
1969-70 ..... $450,000

B. *Building Maintenance.*

1968-69 ..... $ 75,000
1969-70 ..... $ 75,000

For expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

TOTAL—STATE FAIR BOARD

1968-69 ..... $525,000
1969-70 ..... $525,000

54. SCIENCE AND TECHNOLOGY COMMISSION

1968-69 ..... $ 54,290
1969-70 ..... $ 54,290

TOTAL—RESOURCES DEVELOPMENT

1968-69 ..... $15,448,580
1969-70 ..... $15,449,930

V. SAFETY AND REGULATORY

55. DEPARTMENT OF PUBLIC SAFETY

A. *General Operations.*

1968-69 ..... $10,259,410
1969-70 ..... $10,395,250

Including the addition of thirty (30) troopers in the 1968-69 fiscal year and thirty (30) additional troopers in the 1969-70 fiscal year.

B. *Aid to Local Fire Departments.*
1968-69 ..... $100,000
1969-70 ..... $100,000

TOTAL—DEPARTMENT OF PUBLIC SAFETY
1968-69 ..... $10,359,410
1969-70 ..... $10,495,250

56. DEPARTMENT OF MILITARY AFFAIRS

A. *General Operations.*
1968-69 ..... $928,020
1969-70 ..... $968,000

B. *Armory Maintenance.*
1968-69 ..... $ 80,000
1969-70 ..... $ 80,000

TOTAL—DEPARTMENT OF MILITARY AFFAIRS
1968-69 ..... $1,008,020
1969-70 ..... $1,048,000

57. DEPARTMENT OF INSURANCE
1968-69 ..... $480,000
1969-70 ..... $499,000

58. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
1968-69 ..... $367,500
1969-70 ..... $380,300

59. DEPARTMENT OF MOTOR TRANSPORTATION
1968-69 ..... $ 96,000
1969-70 ..... $ 96,000
For operation of the Motor Vehicle Dealers Board.

60. RAILROAD COMMISSION
1968-69 ..... $ 30,335
1969-70 ..... $ 30,795

61. BUSINESS AND PROFESSIONAL REGULATION

*Kentucky Athletic Commission.*

1968-69 ..... $22,500
1969-70 ..... $22,500

TOTAL—SAFETY AND REGULATORY

1968-69 ..... $12,363,765
1969-70 ..... $12,571,845

## VI. OTHER

### 62. DEBT SERVICE

A. *Veterans' Bonus Debt Service.*

1968-69 ..... $7,881,680
1969-70 ..... $7,858,530

For the principal and interest on bonds issued to pay veterans' bonuses.

B. *Parks Debt Service.*

1968-69 ..... $572,185
1969-70 ..... $566,610

For the principal and interest on general obligation parks bonds.

C. *1965 General Obligation Debt Service.*

1968-69 ..... $2,078,405
1969-70 ..... $2,069,930

For the principal and interest on 1965 general obligation bonds.

TOTAL—DEBT SERVICE

1968-69 ..... $10,532,270
1969-70 ..... $10,495,070

### 63. COUNTY COSTS

1968-69 ..... $4,300,000
1969-70 ..... $4,300,000

All County Costs are deemed to be necessary governmental expenses and additional funds may be allotted by the Commissioner of Finance.

## 64. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

A. *Back Tax Collections.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

B. *Board of Claims Awards.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

For the payment of awards or judgments made by the Board of Claims against departments, boards, commissions, and other agencies maintained by appropriations out of the General Fund, provided that awards under $500 in cases where the operating department admits negligence shall be paid from funds available for the operations of such department.

C. *Judgments.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

For payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General.

D. *Prior Year Claims.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

E. *Unredeemed Checks Refunded.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

Checks written by the State Treasurer and not cashed within the statutory period may be presented directly to the State Treasurer for reissuance (KRS 41.370).

F. *Confederate Pensions.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

G. *Blanket Employee Surety Bonds.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

For payment of premiums on blanket surety bonds as provided by KRS 62.170.

H. *Social Security for Circuit Clerks, Master Commissioners, and Court Reporters.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

I. *Retirement — Circuit Clerks, Master Commissioners, Court Reporters, and Assistant Commonwealth Attorneys.*

1968-69 ----------Amount Necessary
1969-70 ----------Amount Necessary

J. *Franklin Circuit Court.*

1968-69 ----------$ 300
1969-70 ----------$ 300

For purchase of supplies and equipment in accordance with KRS 28.165.

K. *Frankfort Planning Commission.*

1968-69 ----------$ 1,000
1969-70 ----------$ 1,000

L. *Frankfort Cemetery.*

1968-69 ----------$ 1,000
1969-70 ----------$ 1,000

M. *Public Improvements.*

1968-69 ----------$ 40,000
1969-70 ----------$ 40,000

For paying assessments for public improvements against property owned by the State, and for which said assessments the State is deemed to be liable.

N. *Money Refunded.*

1968-69 ..... Amount Necessary
1969-70 ..... Amount Necessary

For refunding money paid into the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of the head of the department or agency to whom the money was originally paid and the approval of the Commissioner of Finance and the Attorney General.

---

TOTAL—APPROPRIATIONS NOT OTHERWISE CLASSIFIED

1968-69 ..... $ 42,300
1969-70 ..... $ 42,300

---

65. CAPITAL CONSTRUCTION

A. *New Facilities.*

1968-69 ..... $18,450,000
1969-70 ..... $ 3,500,000

For construction of new facilities for Mental Retardation, School for the Blind, School for the Deaf, Child Welfare, Vocational Education, Parks, Animal Disease Control, Vocational Rehabilitation, Small Lakes, State Police, and for construction, maintenance, repairs, and improvement of facilities at state institutions for higher education.

B. *Miscellaneous Construction and Repairs.*

1968-69 ..... $1,150,000
1969-70 ..... $1,000,000

For general construction, maintenance, repairs and improvements of state facilities, provided, however, that not more than $150,000 of the above appropriation may be used to make grants to local jurisdictions and agencies for the purposes of matching Federal funds available from the Land and Water Conservation Fund to assist communities and local agencies to secure land and

improvements for recreational purposes provided that no grant of state funds shall exceed twenty-five per cent (25%) of the total cost of such projects.

All Capital Construction Appropriations shall be expended in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes. All monies transferred to the Department of Finance for capital construction from other appropriations shall be expended, accounted for, and otherwise treated in the same manner as funds appropriated directly to the Department of Finance for capital construction.

If at the end of any fiscal year the monies and securities to the credit of the State Fire and Tornado Insurance Fund exceed $2,000,000, and if conditions with respect to life and fire safety in state properties are such as not to require the expenditure of all excess funds for improvements to said conditions, then the Commissioner of Finance, with the concurrence of the Commissioner of Insurance, shall determine the amount of such excess not so required and may authorize its transfer to the Capital Construction Fund, for expenditure in accordance with the provisions of Chapter 56 of the Kentucky Revised Statutes.

---

TOTAL—CAPITAL CONSTRUCTION

1968-69 ..... $19,600,000
1969-70 ..... $ 4,500,000

---

66. GENERAL CONTINGENCY FUND

1968-69 ..... $1,000,000
1969-70 ..... $1,000,000

For meeting expenses deemed necessary by the Governor, and to be expended by the Governor, in his discretion, for any emergency or other contingency that he may determine requires the expenditure of any part of said fund. Any unexpended balance at the close of 1968-69 fiscal year shall continue into 1969-70.

---

TOTAL–OTHER

1968-69 ..... $35,474,570

1969-70 ..... $20,337,370

## PART TWO
## STATE ROAD FUND

There is established for the purpose of paying all costs of operation and maintenance of the Department of Highways and for carrying on its activities and functions, a State Road Fund which shall consist of all the revenues realized from fees, taxes, and license fees levied for state road purposes now authorized by law, and any additional or other revenues, grants or funds, including any amount which may be received from Federal aid, bond funds, or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways. Such receipts and revenues, together with any balance in the existing State Road Fund as of June 30, 1968, and June 30, 1969, shall constitute the State Road Fund for the fiscal years 1968-69 and 1969-70. There is appropriated from the State Road Fund the following amounts for the following departments or agencies of the State Government, for the following purposes:

### I. HIGHWAYS

### 1. DEPARTMENT OF HIGHWAYS

*General Operations.* For use by the department in its activities, functions and duties performed by it as prescribed by law, all monies received and placed to the credit of the State Road Fund, not otherwise appropriated in this or any other Act; provided, however, that an annual budget for each fiscal year shall be submitted by the Department of Highways as required by Part Two, Section III of this Act.

## 2. RURAL HIGHWAYS

A. *County Road Aid.* For construction, reconstruction, improvement, and maintenance of county roads and bridges, the sum of $12,000,000 for fiscal year 1968-69 and $13,000,000 for 1969-70. This appropriation is to be expended in accordance with the provisions of KRS 179.410 through 179.430.

B. *Rural Secondary Roads.* For the construction, reconstruction, and maintenance of rural and secondary roads, two-sevenths of all revenue received under the provisions of KRS 138.220 and 138.565, shall be expended in accordance with KRS 177.320. This appropriation is in addition to the amount appropriated under Section I, subsection 2, Paragraph A, of Part Two of the Appropriation Act. These funds shall be distributed in accordance with the formula expressed in KRS 177.360.

---

# II. APPROPRIATIONS TO AGENCIES OTHER THAN HIGHWAYS

## 3. DEPARTMENT OF TREASURY

1968-69 ..... $ 10,000
1969-70 ..... $ 10,000

For the expenses pertaining to treasury administration for the Department of Highways.

---

## 4. DEPARTMENT OF FINANCE

1968-69 ..... $ 10,000
1969-70 ..... $ 10,000

For expenses pertaining to financial administration for the Department of Highways and for expenses of operation of buildings for the Department of Highways.

---

## 5. DEPARTMENT OF PERSONNEL

1968-69 ..... $ 10,000
1969-70 ..... $ 10,000

Notwithstanding any provisions of KRS 18.330 to the contrary, this appropriation is for the pro rata cost of administering a merit system of personnel administration for the civil service of the Commonwealth for the Department of Highways.

---

6. DEPARTMENT OF REVENUE

1968-69 ..... $ 10,000
1969-70 ..... $ 10,000

For administering and enforcing the laws pertaining to the gasoline, motor fuels, and any other taxes comprising the State Road Fund, and for administering and enforcing the laws relating to motor vehicle registration and other laws relating to motor vehicles and highways.

---

7. DEPARTMENT OF PUBLIC SAFETY

1968-69 ..... $ 10,000
1969-70 ..... $ 10,000

For expenses of the Department of Public Safety incidental to the administration and enforcement of motor vehicle registration laws and motor vehicle operators licensing laws, and laws relating to highways.

---

8. DEPARTMENT OF COMMERCE

1968-69 ..... $177,125
1969-70 ..... $177,125

For expenses arising from geological projects pertaining to the acquisition of data used in highway planning and construction.

---

9. DEPARTMENT OF MOTOR TRANSPORTATION

1968-69 ..... $1,201,800
1969-70 ..... $1,231,705

For administering and enforcing the motor vehicle carrier laws.

---

10. DEPARTMENT OF PUBLIC INFORMATION

| | |
|---|---|
| 1968-69 | $ 10,000 |
| 1969-70 | $ 10,000 |

For expenses of the Division of Tourist Promotion incident to the preparation, publication, and distribution of road maps, booklets, photographs, advertisements, and other activities intended to advertise and publicize Kentucky highways and highway conditions, tourist, scenic and travel attractions, and places of interest to motorists.

TOTAL—APPROPRIATIONS TO AGENCIES OTHER THAN HIGHWAYS

| | |
|---|---|
| 1968-69 | $1,438,925 |
| 1969-70 | $1,468,830 |

## III. ADMINISTRATION AND EFFECT

The Department of Highways shall submit an annual budget for each fiscal year to the Department of Finance for approval by the Commissioner of Finance immediately before the fiscal year begins. The budget shall be based upon the most current State Road Fund revenue estimates, surplus, and contractual and noncontractual Federal aid for which the Department will be eligible during the fiscal year.

The appropriations made by this Act are subject to the provisions of Chapters 12, 42, and 45 of the Kentucky Revised Statutes except where additional requirements are imposed by this Act. Nothing in this Act shall be construed to repeal any appropriation to the State Road Fund for the fiscal year ending June 30, 1968.

## PART THREE
## TRUST AND AGENCY FUNDS

There is appropriated to the various officers, departments, boards, commissions, institutions, subdivisions, and other agencies of the State Government only as are listed herein for the fiscal

year ending June 30, 1969, and for the fiscal year ending June 30, 1970, all of the fees (which include fees for board and room, athletics, and student activities) and rentals, admittances, sales, bonds proceeds, licenses collected by law, gifts, subventions, Federal grants and other Federal receipts, contributions, and other miscellaneous receipts produced or received by any of the following agencies of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named agencies of the State Government for the purposes for which each fund is authorized. Receipts which are received by each of the respective agencies of the State Government listed herein shall be placed to the credit of a Revolving or Trust and Agency Fund out of which shall be established separate Revolving or Trust and Agency Fund accounts for the use and benefit of these agencies of the State Government for purposes for which each fund is authorized.

In the event receipts received and credited to any Revolving or Trust and Agency Fund Account during fiscal year 1968-69 or fiscal year 1969-70 and any balance forwarded to the credit of any such account from the previous fiscal year exceed the appropriation made by specific sum to said account in this Part of this Act, the excess is appropriated to the credit of said account for the fiscal year in which the excess occurs; provided, however, that with the exception of federal grants and other federal receipts, said excess shall become available for expenditure for the purpose of the account during said year only with the authorization of the budget director and approval of the Commissioner of Finance.

Except as herein otherwise provided, the appropriate agency may requisition for expenditure from the Revolving or Trust and Agency Fund account, through the Department of Finance, during the fiscal year ending June 30, 1969, and during the fiscal year ending June 30, 1970, all receipts placed to the credit of the Revolving or Trust and Agency Fund for such year, out of which has been established a Revolving or Trust and Agency Fund account for each separate agency during such fiscal year, in addition to any balance which said agency may have had forwarded from the preceding year on or before September 30, of the then current fiscal year, by the Department of Finance.

On or before the beginning of each fiscal year, each agency shall submit to the Department of Finance schedules showing estimated receipts and estimated expenditures by quarterly period.

## I. GENERAL GOVERNMENT

### 1. LEGISLATIVE RESEARCH COMMISSION

A. *Statute Revision Printing Fund.*

B. *Administrative Regulations Fund.*

---

### 2. JUDICIARY

*Board of Bar Examiners.*

1968-69 ---------- $ 21,000
1969-70 ---------- $ 21,500

---

### 3. EXECUTIVE

A. *Area Development Office.*

1968-69 ---------- $445,000
1969-70 ---------- $330,000

B. *Economic Opportunity Staff.*

1968-69 ---------- $195,010
1969-70 ---------- $202,240

C. *State Planning Committee.*

1968-69 ---------- $1,315,140
1969-70 ---------- $1,300,000

D. *Crime Commission.*

---

### 4. DEPARTMENT OF FINANCE

A. *Paper Revolving Fund.*

B. *Division of Services Revolving Fund.* For providing stamps and postage, supplies, equipment, and utility services for the various budget units of State Government, which shall make reimbursement for same.

C. *Central Stores Revolving Fund.* For purchasing supplies and services for the various budget units of State Government which shall make reimbursement for same.

D. *Maintenance and Operations Fund.* For expenses of maintaining and operating office buildings.

E. *Duplicating Revolving Fund.* For duplicating services provided to the various budget units of State Government which shall make reimbursement on the basis of cost.

F. *Capital Construction.* All real estate rentals, sales, and other receipts including balances brought forward as provided in Chapter 56 of the Kentucky Revised Statutes.

G. *Division of Purchases.* For reproduction of documents and testing of commodities.

---

5. DEPARTMENT OF PERSONNEL

1968-69 ..... $101,410
1969-70 ..... $ 85,090

---

6. SECRETARY OF STATE

Notwithstanding KRS 271.055 and KRS 271.121 all the operating receipts from all activities of the office of the Secretary of State shall be deposited in the State Treasury to the credit of the General Expenditure Fund.

---

7. STATE AND COUNTY RETIREMENT SYSTEM

1968-69 ..... $280,880
1969-70 ..... $280,610

---

8. AUDITOR OF PUBLIC ACCOUNTS

1968-69 ..... $ 41,000
1969-70 ..... $ 39,000

---

9. BOARD OF ELECTIONS

1968-69 ..... $ 90,000
1969-70 ..... $ 90,000

10. HERITAGE COMMISSION

## II. EDUCATION

### 1. DEPARTMENT OF EDUCATION

A. *Central Administration.*
1968-69 ..... $1,417,540
1969-70 ..... $1,533,120

B. *Vocational Education.*
1968-69 ..... $12,610,710
1969-70 ..... $14,423,510

C. *Rehabilitation Services.*
1968-69 ..... $5,952,390
1969-70 ..... $6,023,920

D. *School Food Services.*

E. *National Defense Education Act — Grants.*

F. *Elementary and Secondary Education Act — Grants.*

G. *OASI Disability Determinations.*

H. *School for the Deaf.*
1968-69 ..... $ 9,000
1969-70 ..... $ 9,000

I. *School for the Blind.*
1968-69 ..... $ 17,090
1969-70 ..... $ 15,780

J. *Industries for the Blind.*
1968-69 ..... $330,830
1969-70 ..... $360,000

2. TEACHERS' RETIREMENT SYSTEM

3. HIGHER EDUCATION

A. *Council on Public Higher Education.*

B. *University of Kentucky.*

C. *Eastern Kentucky University.*

D. *Western Kentucky University.*

E. *Murray State University.*

F. *Morehead State University.*

G. *Kentucky State College.*

4. LINCOLN SCHOOL

5. DEPARTMENT OF LIBRARIES

1968-69 ----------$1,312,300
1969-70 ----------$1,219,475

6. ARTS COMMISSION

7. HISTORICAL SOCIETY

1968-69 ----------$ 36,150
1969-70 ----------$ 38,450

III. HEALTH AND WELFARE

1. DEPARTMENT OF ECONOMIC SECURITY

2. DEPARTMENT OF MENTAL HEALTH

1968-69 ----------$3,931,740
1969-70 ----------$4,133,730

3. DEPARTMENT OF HEALTH

A. *Central Administration and County Health.*

1968-69 ----------$ 11,661,230
1969-70 ----------$ 11,712,230

B. *Hospital Construction-Federal.*

---

4. DEPARTMENT OF CORRECTIONS

A. *Central Office.*

B. *Penal Institutions.*

1968-69 ----------$ 30,000
1969-70 ----------$ 30,000

C. *Prison Industries.*

---

5. DEPARTMENT OF CHILD WELFARE

A. *General Operations.*

1968-69 ----------$1,054,890
1969-70 ----------$1,079,620

B. *Commission on Children and Youth.*

---

6. TUBERCULOSIS HOSPITAL COMMISSION

1968-69 ----------$800,000
1969-70 ----------$600,000

---

7. COMMISSION FOR HANDICAPPED CHILDREN

1968-69 ----------$1,305,000
1969-70 ----------$1,351,000

---

8. COMMISSION ON HUMAN RIGHTS

---

9. COMMISSION ON AGING

---

## IV. RESOURCES DEVELOPMENT

### 1. DEPARTMENT OF PARKS

1968-69 ----------$5,969,100
1969-70 ----------$6,025,000

### 2. INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY

### 3. DEPARTMENT OF COMMERCE

1968-69 ----------$365,000
1969-70 ----------$420,000

### 4. DEPARTMENT OF AERONAUTICS

A. *Airport Development.*

### 5. DEPARTMENT OF NATURAL RESOURCES

A. *Forestry.*
1968-69 ----------$780,000
1969-70 ----------$875,000

B. *Strip Mining and Reclamation.*
1968-69 ----------$325,220
1969-70 ----------$335,980

C. *Equipment Revolving Fund.*

### 6. DEPARTMENT OF AGRICULTURE

A. *General Operations.*
1968-69 ----------$258,545
1969-70 ----------$253,474

B. *Dog Law.*

C. *Milk Marketing Commission.*

### 7. DEPARTMENT OF FISH AND WILDLIFE RESOURCES

8. DEPARTMENT OF LABOR

A. *Workmen's Compensation Board.*

1968-69 ----------$3,065,540
1969-70 ----------$3,093,270

For the general operations of the Workmen's Compensation Board and the Division of Occupational Safety, and an amount not to exceed 75 per cent of the total costs of the Division of Research and Statistics and the Division of Fiscal and Personnel Services for administrative services provided to the Board.

B. *Special Fund.*

---

9. DEPARTMENT OF MINES AND MINERALS

1968-69 ----------$ 72,000
1969-70 ----------$ 60,000

---

10. STATE FAIR BOARD

---

V. SAFETY AND REGULATORY

1. DEPARTMENT OF PUBLIC SAFETY

1968-69 ----------$922,390
1969-70 ----------$878,030

Notwithstanding the provisions of KRS 234.160 and KRS 236.130, all monies collected by the Division of Fire Prevention shall be paid into the General Expenditure Fund.

---

2. DEPARTMENT OF MILITARY AFFAIRS

---

3. DEPARTMENT OF INSURANCE

Notwithstanding any provisions of KRS 304.463 to the contrary, the following receipts only are authorized to be placed to the credit of the Trust and Agency Fund and are authorized for expenditure out of the Trust and Agency Fund. All other re-

ceipts collected during the 1968-69 and 1969-70 fiscal years shall be placed to the credit of the General Expenditure Fund.

A. *Custodian of Securities.* All sums paid for expenses under the provisions of KRS 304.503.

B. *Insurance Examiners Expense.* All fees paid pursuant to the provisions of KRS 304.035. (Notwithstanding the provisions of KRS 304.035 to the contrary, any amount unexpended at the end of the 1967-68 fiscal year and each fiscal year thereafter in excess of $10,000 shall lapse to the General Expenditure Fund.)

C. *Fire and Tornado Insurance Fund.*

---

## 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

A. *Confiscation Expenses.*

1968-69 ---------- $ 4,900
1969-70 ---------- $ 5,000

---

## 5. DEPARTMENT OF BANKING

A. *Division of Banking.*

1968-69 ---------- $386,140
1969-70 ---------- $396,080

B. *Division of Securities.*

1968-69 ---------- $ 75,250
1969-70 ---------- $ 80,370

---

## 6. PUBLIC SERVICE COMMISSION

1968-69 ---------- $462,140
1969-70 ---------- $486,665

---

## 7. BUSINESS AND PROFESSIONAL REGULATION

A. *Board of Accountancy.*

B. *Board of Psychology.*

C. *Board of Examiners and Registration of Architects.*

D. *Board of Barber and Cosmetologist Examiners.*

E. *Board of Chiropractic Examiners.*

F. *Board of Dental Examiners.*

G. *Board of Embalmers and Funeral Directors.*

H. *Board of Pharmacy.*

I. *Board of Nursing.*

J. *Board of Veterinary Examiners.*

K. *Board of Professional Engineers.*

L. *Real Estate Commission.*

M. *Board of Optometric Examiners.*

N. *Board of Podiatry.*

O. *Board of Opthalmic Dispensers.*

P. *Board of Watchmaking.*

Q. *Board of Physical Therapy.*

R. *Board of Business Schools.*

S. *Board of Auctioneers.*

---

## VI. OTHER

### 1. COUNTY FEES

A. *Jefferson County Master Commissioner.*

B. *Jefferson County Receiver.*

C. *County Fees for the following counties: Jefferson, Kenton, Fayette, Campbell.*

For paying the various officials of each county enumerated, seventy-five per cent (75%) of the fees provided by law to be paid, by the State, to these officials when their claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance, and to pay to the Fiscal Court of each of said counties twenty-five per cent (25%) of said fees as required by KRS 64.350.

2. TRUCK LICENSES – COUNTY SHARE

A. *Truck Licenses – County Share.* There shall be credited to this fund for the purpose of distribution to counties such portion of truck license fees as is provided by law, at such time as the Department of Finance may order.

3. COUNTY COSTS

A. *Commonwealth Attorneys' Expense Accounts.*
B. *County Attorneys' Expense Accounts.*
C. *County Judges' Expense Accounts.*

PART FOUR
GENERAL PROVISIONS

1. Nothing in this Act shall be construed to repeal any appropriation made hereinbefore or hereinafter for the fiscal year ending June 30, 1968, and nothing in this Act is to be construed as amending or altering the provisions of Chapter 42 of the Kentucky Revised Statutes pertaining to the duties and powers of the Commissioner of Finance. All questions that arise in interpreting any appropriation in this Act as to the purpose or manner for which such appropriation may be expended shall be decided by the Commissioner of Finance in accordance with the detailed estimates embodied in the budget report, and supporting work papers, as considered by the General Assembly, and the decision of the Commissioner of Finance shall be final and conclusive.

2. The Commissioner of Finance is authorized to establish a system or formula or combination of both for pro-rating the administrative costs of the Departments of Personnel, Finance, Treasury, and Law relative to the administration of programs in which there is joint participation by the State and Federal Governments for the purpose of receiving the maximum amount of participation permitted under the appropriate Federal laws and regulations governing such programs. Any reimbursements received from Federal funds under this system or formula shall

accrue to the General Expenditure Fund and any system or formula for the proration shall be developed pursuant to the provisions of KRS 18.330.

3. Notwithstanding any other provisions of this Act, the appropriations to agencies receiving both a General Fund and a Road Fund appropriation shall be considered one appropriation for the purposes of administration of this Act, and the rates of General Fund-Road Fund appropriations may be adjusted, by the Commissioner of Finance with approval of the Commissioner of Highways, within the total authorized appropriation for any agency.

4. Notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, Eastern Kentucky University, Western Kentucky University, Murray State University, Morehead State University, Kentucky State College, and the University of Kentucky are hereby authorized and empowered, with the approval of the Commissioner of Finance, to utilize funds available from any appropriated source, for the purpose of cooperating to the fullest extent possible with Federal agencies in such programs as may be proposed by the Federal Government involving the use of Federal funds for educational purposes, programs, and buildings in conjunction with the college and universities.

5. In enacting this Appropriation Act, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law, and if any section, any subsection, or any provision thereof shall be held invalid, or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

6. All continuing appropriations in existence at the time this Act takes effect are discontinued and repealed by this Act, notwithstanding any provisions of the Kentucky Revised Statutes to the contrary, except as provided by Chapters 12, 42, 45, 56, 177, and 341 of the Kentucky Revised Statutes. All laws and portions of laws in conflict with any of the provisions of the above enactment, to the extent of such conflict, are hereby repealed.

7. Revenues collected during fiscal year 1968-69 in excess of the General Fund estimate of $481,500,000, not to exceed $5,000,000, may be transferred to the Capital Construction Fund by the Commissioner of Finance, upon approval by the Governor.

8. WHEREAS, the finances of the Commonwealth cannot be ascertained with absolute certainty at this time, and since the actual needs of each officer, department, board, commission, institution, agency, or other activity, subdivision of the State Government can only be anticipated and not finally determined by the General Assembly, and since the total amount of revenue accruing to the General Expenditure Fund and to the General Road Fund from which these appropriations are made can only be anticipated through existing laws and those that may hereinafter be enacted, it is the purpose and intention of this Act that the expenditures for each fiscal year under Part 1 of this Act shall not exceed the total financial resources anticipated to accrue to the General Expenditure Fund and that the expenditures for each fiscal year under Part 2 of this Act shall not exceed the total financial resources anticipated to accrue to the General Road Fund for the same fiscal year respectively. As the conditions cannot be fully determined until after the adjournment of the 1968 General Assembly, and as the needs of each officer, department, board, agency, commission, institution, subdivision, or other activity of the State Government and the total financial resources accruing to the General Expenditure Fund and the General Road Fund cannot be fully determined at this time, it is the intention and the purpose of this General Assembly that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, is authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, subdivision, agency, or other activity of State Government, and to ascertain the total financial resources anticipated to accrue to the General Expenditure Fund and General Road Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general law, is authorized,

**empowered, and directed by the General Assembly to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made** in Part 1 and Part 2 to any officer, department, board, commission, institution, subdivision, agency, or other activity of the State Government to include a reduction in the appropriation for the school foundation program by an amount equal to the **per cent by which total appropriations must be adjusted; provided** that the power vested shall not permit any reduction of **the appropriation of any officer, department, board, commission, institution, subdivision, agency, or other activity of the State Government that will actually impair the necessary constitutional functions of any such agency or activity the operations and functions of which are determined to be necesssary constitutional functions of government.**

Representative Morgan moved that **HB 503, HB 504, SB 14** be taken from the Commtitee on Judiciary and referred to the Committee on State Government. Agreed.

## Recess

Representative Morgan moved that the House recess for fifteen minutes for Committee on Rules and Committee on Committees meeting. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Orders of the Day

Representative Morgan moved that consideration of **HR 33, HB 1, HB 112, HB 170, HB 126,** and **HB 315** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 358** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 67—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Bowles, Brown, Bruce, Cox, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wheeler, Wooley. Nays 0.

**HB 358** was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 358** was passed be reconsidered and said motion be laid on the table. Agreed.

**HR 50** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, Lankford, Lassiter, Lawson, Louden, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HR 50** was passed and the title agreed to.

Representative McBrayer moved that the vote by which **HR 50** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 330** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 84—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays. 0.

**HB 330** was passed and the title agreed to.

Representative Morgan moved that the vote by which **HB 330** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 333** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 153** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 85—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill,

McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley. Nays 0.

**HB 153** was passed and the title agreed to.

Representative Brown moved that the vote by which **HB 153** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 360** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Johnson, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Louden, Maddox, Massey, May, McCallum, McGill, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Schmidt, Siemens, Simmons, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**HB 360** was passed and the title agreed to.

Representative Halleck moved that the vote by which **HB 360** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 339** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 72—Akers, Alexander,

Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Coffey, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, McCallum, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley, Wright. Nays 2—Blythe, Riddle.

**HB 339** was passed and the title agreed to.

Representative Baker moved that the vote by which **HB 339** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 338** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 338** was passed and the title agreed to.

Representative Allen moved that the vote by which **HB 338** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 388** be deferred and that it retain its position in Orders of the Day. Agreed.

**HB 398** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 71—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Brown, Bruce, Coffey, Cox, Cruse, Curlin, DeMarcus, Denham, Floyd, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Schmidt, Simmons, Stuart, Tobin, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 7—Ball, Blythe, Hoe, Huff, James, Riddle, Sartin.

**HB 398** was passed and the title agreed to.

Representative Hardin moved that the vote by which **HB 398** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 48** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Rattliff, Ray, Russell Reynolds,

W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Simmons, Stuart, Tobin, Vanover, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**SB 48** was passed and the title agreed to.

Representative McKinney moved that the vote by which **SB 48** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 81** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 86—Akers, Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, DeMarcus, Denham, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 1—Blume.

**SB 81** was passed and the title agreed to.

Representative Louden moved that the vote by which **SB 81** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **SB 131** be deferred and that it retain its position in Orders of the Day. Agreed.

**SB 123** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 80—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Clapp, Coffey, Cox, Cruse, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, Wolchik, Wooley, Wright. Nays 0.

**SB 123** was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 123** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **SB 19, SB 106, SB 129,** and **SB 22** be deferred and that they retain their position in Orders of the Day. Agreed.

**SB 136,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Stuart moved the adoption of the following Committee Substitute to **SB 136:**

**Committee Substitute SB 136,** AN ACT relating to the collection of taxes in fifth and sixth class cities.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

Section 1. (1) Each city of the fifth and sixth class located in a county containing a city of the first class shall:

(a) File with the county clerk a map showing its public ways and its boundaries, and whenever property is annexed or deannexed, it shall forthwith file amended plats showing its boundaries as changed.

(b) File annually with the county clerk at sometime between ninety and one hundred and twenty days after taxes become due and payable a statement showing:

1. The date taxes become due and payable;

2. A list of all unpaid taxes showing the taxpayer's name, the property address and the amount of the tax including penalties and interest, if any. The list shall be cumulative and each year shall show all delinquent taxes not barred;

3. The name, address and telephone number of its tax collector and the hours within which he can ordinarily be contacted by telephone. Whenever a tax collector is changed, such information concerning the new collector shall be forthwith furnished the county clerk.

(c) The clerk of the county court shall file, record and index only in the name of the cities all maps, plats and annual statements required hereby and the clerk shall be entitled to a fee of $4.50 for filing and indexing such maps and plats and $2.50 for filing and indexing such annual statements as are required hereby. There shall be no state tax on such recordings.

Agreed.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Baker, Ballenger, Bamberger, Blandford, Blythe, Bowles, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, Dawhare, Denham, Floyd, Greer, Hampton, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Isler, James, Keene, Keith, Kidd, Lankford, Lassiter, Lawson, Louden, May, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 2—Harper, Ray.

**SB 136** as amended was passed and the title agreed to.

Representative Stuart moved that the vote by which **SB 136** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 294** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 76—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Irick, Isler, James, Jones, Justice, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McGill, McNamara, Mershon, Clarence R. Miller, Mitchell Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Sartin, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 294** was passed and the title agreed to.

Representative Curlin moved that the vote by which **HB 294** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 527,** by Representative Curlin: AN ACT relating to county alcohol beverage administrators.

**HB 528,** by Representatives Isler and King: AN ACT relating to state representative districts.

**HB 529,** by Representatives R. L. Miller, Morgan, Vanover, James, Wright, Russell, Simmons, Wesley, Kessinger, Bleemel, Mershon, Stuart, W. F. Davis, Saylor, Bamberger, Sartin, Lawson, Melton, Clark, Peace, Huff, Bowles, White, Cruse, Wolchik,

Clapp, Harper, Denham, Ray, McNamara, Hinkle, Arnett, Louden, Keith, Smith, Akers, Johnson, Murphy and Cox: AN ACT relating to communications designed to influence legislation.

**HB 530,** by Representatives Ball and Bruce: AN ACT relating to the summoning of jurors from adjoining counties.

**HB 531,** by Representatives Ball and Bruce: AN ACT relating to the printing of Election Ballots.

**HB 532,** by Representative Siemens: AN ACT relating to animals.

**HB 533,** by Representatives Pettit, Ball, Rickert, Harper, Denham, Cox and Schmidt: AN ACT relating to the hospitalization of mentally ill and mentally retarded persons.

**HR 82,** by Representative Allen: A CONCURRENT RESOLUTION expressing the sense of the General Assembly that an Extension Center of the Mayo Vocational School should be built in Magoffin County.

## Report on Enrolled Bills

The Committee on Enrollment reported **HB 132** and **HB 27** had been examined and found correctly enrolled. **HB 132** and **HB 27** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (Cont.)

**HB 351** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 46—Akers, Allen, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Coffey, Cox, Cruse, Dawhare, Denham, Henry, Holbrook, Hunt, Isler, James, Johnson, Keene, Kessinger, Kidd, Lankford, Lawson, Louden, Massey, May, McGill, McKinney, Mershon, Clarence R. Miller,

Robert L. Miller, Morgan, Murphy, Peace, Ray, Russell Reynolds, W. J. Reynolds, Sartin, Siemens, Simmons, Stuart, Tobin Wolchik, Wooley, Wright. Nays 9—Arnett, Baker, J. A. Davis, Huff, Irick, Lassiter, McCallum, Rickert, Wesley.

**HB 351** was passed and the title agreed to.

Representative Akers moved that the vote by which **HB 351** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 166,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Pettit moved the adoption of the Committee Substitute to **HB 166.** Agreed.

On the roll call the vote was yeas 65—Akers, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Clapp, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Isler, James, Johnson, Jones, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, Richey, Rickert, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wooley. Nays 0.

**HB 166** as amended was passed and the title agreed to.

Representative Pettit moved that the vote by which **HB 166** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 333** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 74—Akers, Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Cox, Cruse, Curlin, James

A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Halleck, Hampton, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keith, Kidd, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McKinney, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 0.

**HB 333** was passed and the title agreed to.

Representative Ball moved that the vote by which **HB 333** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 126,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative McBrayer moved the adoption of Committee Amendment to **SB 126**. Agreed.

On the roll call the vote was yeas 76—Akers, Alexander, Baker, Ball, Bamberger, Blandford, Blume, Blythe, Bowles, Brown, Clapp, Coffey, Cox, Cruse, Curlin, Dawhare, Denham, Floyd, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBrayer, McCallum, McGill, McNamara, Mershon, Robert L. Miller, Morgan, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Sartin, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik, Wooley Wright. Nays 0.

**SB 126** as amended was passed and the title agreed to.

Representative McBrayer moved that the vote by which **SB 126** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 328** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 82—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Blume, Bowles, Brown, Bruce, Carroll, Clapp, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Huff, Hunt, Irick, Isler, James, Johnson, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McBraver, McCallum, McGill, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Morgan, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Rickert, Russell, Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 0.

**HB 328** was passed and the title agreed to.

Representative Simmons moved that the vote by which **HB 328** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Blythe moved that **HB 230** be laid on the Clerk's desk. Agreed.

**HB 288**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Irick moved the adoption of the Committee Amendment to **HB 288.** Agreed.

On the roll call the vote was yeas 55—Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Blandford, Blythe, Clapp, Coffey, Cruse, Dawhare, DeMarcus, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Johnson, Jones, Justice, Keith, Lankford, Lassiter, Lawson, Louden, Maddox, May, McCallum, McGill,

McKinney, Melton, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Russell Reynolds, W. J. Reynolds, Russell, Sartin, Vanover, Wesley, White, Wooley. Nays 0.

**HB 288** as amended was passed and the title agreed to.

Representative Irick moved that the vote by which **HB 288** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 532, HB 525.**

Appropriations and Revenue: **HB 519, HB 520, HB 521, HB 530, SB 172.**

Cities: **HB 515, HB 513, SR 39.**

Counties and Special Districts: **HB 514, HB 527, SB 157.**

State Government: **HB 509, HB 517, HB 528, HB 529, HR 79, HR 81, SB 122.**

Public Utilities: **HB 510.**

Elections and Constitutional Amendments: **HB 511, HB 512, HB 531.**

Health and Welfare: **HB 516, HB 533.**

Labor and Industry: **HB 518.**

Education: **HB 522, HB 523, HR 82.**

Business Organizations and Professions: **HB 524.**

Judiciary: **HB 526, SB 78, SB 145, SB 164, SB 166, SB 191.**

Representative Morgan moved that the House adjourn until 1:00 p.m., Thursday, February 29, 1968.

On the roll call the vote was yeas 15—Bleemel, Blythe, Brown, Carroll, Denham, Hopkins, Jones, Kessinger, King, Lawson, McCallum, Robert L. Miller, Ray, Rickert, Riddle. Nays 11—Ball, Bowles, Clapp, Harper, Hoe, Huff, Murphy, Peace, Smith, Walters, White.

The motion to adjourn was adopted.

## THURSDAY, FEBRUARY 29, 1968

## FORTY-SEVENTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representatives Johnson, Prather and Rattliff.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 28, 1968, be dispensed with and the same approved. Agreed.

### Introduction of Bills and Resolutions

**HR 83,** by Representative Murphy: A CONCURRENT RESOLUTION requesting the Department of Fish and Wildlife Resources to study the effects of authorizing the issue of one day fishing licenses.

**HR 84,** by Representatives Clapp and Kessinger: A CONCURRENT RESOLUTION creating a Joint Legislature Committee on Un-American Activities.

**HB 534,** by Representative Hoe: AN ACT relating to holidays.

**HB 535,** by Representative Hinkle: AN ACT relating to income tax.

**HB 536,** by Representatives Dawhare, Murphy, Hardin, Maddox and Rattliff: AN ACT relating to unemployment insurance.

**HB 537,** by Representatives Morgan, Ball, Baker, McBrayer, Hunt, Wheeler, W. J. Reynolds, Hoe, Wright and Halleck: AN ACT to encourage the establishment and maintenance of principal business offices and corporate headquarters in this commonwealth by fixing competitive rates of ad valorem taxation upon

certain intangible personal properties having only a technical taxable situs at offices in Kentucky, and by directing the Legislative Research Commission to study and evaluate the present corporate, business, and taxation laws of Kentucky and make recommendations relating thereto to further the growth and expansion of such facilities in Kentucky.

**HB 538,** by Representative Alexander: AN ACT relating to displaying the flag.

**HB 539,** by Representative McGill: AN ACT relating to alcoholic beverages.

**HB 540,** by Representatives Keith and Brown: AN ACT providing for grants of state funds to local agricultural fairs and making an appropriation therefor.

**HB 541,** by Representatives Keith, Bruce and Brown: AN ACT relating to state aid for promotion of the purebred cattle industry.

**HB 542,** by Representative Maddox: AN ACT relating to water districts.

**HB 543,** by Representatives Schmidt, Keene, Bamberger and Harper: AN ACT relating to education.

**HB 544,** by Representatives Sartin, Hampton, Kessinger, McKinney, Simmons, Coffey, Allen and Bamberger: AN ACT relating to teacher retirement.

**HB 545,** by Representative Rattliff: AN ACT relating to land acquisition for use of the Commonwealth, Department of Parks.

**HB 546,** by Representative Isler: AN ACT relating to motor vehicle operator's licenses.

**HB 547,** by Representatives Ball and Siemens: AN ACT relating to Motorists Financial Responsibility Law.

**HB 548,** by Representatives Ball and Siemens: AN ACT relating to reckless driving of a vehicle.

## Report of Committees

The Committee on Rules reported **HB 410, HB 440, HB 243** with Committee Substitute attached thereto, **HB 350, HB 259** with Committee Amendment attached thereto, **HB 269, SB 79** and **SB 84** with Committee Amendment attached thereto with the expression of opinion that the same should pass.

The Committee on Counties and Special Districts reported **SB 41, HB 470, HB 439, HB 409, HB 391,** and **HB 300** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 41,** AN ACT to provide for the temporary orderly succession of the office of a County Judge unable by absence, death or disability to serve in event of a national and state emergency.

WHEREAS, continuity of legally elected or appointed government officials in every county of the Commonwealth is vital to health, safety and welfare of the citizens thereof, and of primary concern to Civil Defense; and

WHEREAS, in event of an attack upon this country by a hostile force, resulting in a national and state emergency, decisions and actions would be required of county officers immediately; and

WHEREAS, the office of County Judge is that of chief magistrate, conservator of the peace and head of Civil Defense in the county of his charge; and

WHEREAS, existing procedures for filling vacancies in the office of County Judge require considerable time not accommodated to a national and state emergency;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. When the absence, death or disability of the duly elected County Judge of any County, shall prevent his serving in office during emergency involving national and state defense, the duties of the County Judge shall be administered tem-

porarily by the County Judge Pro Tem, if one has been appointed by the County Judge and is actively serving as such.

Section 2. In any county where no County Judge Pro Tem has been appointed by the County Judge upon the effective date of this act, then the County Judge of such County shall appoint a County Judge Pro Tem for the purpose of preparing for such an emergency as is set forth in the foregoing paragraph.

Section 3. If at the time of an emergency as set forth herein above neither the duly elected County Judge nor the appointed County Judge Pro Tem is able to serve in the office by reason of absence, death or disability, then the duties of the County Judge shall be assumed temporarily by the County Attorney.

Section 4. If neither the County Judge, the County Judge Pro Tem nor the County Attorney is able to serve in the office by reason of absence, death or disability, then the duties of the County Judge shall be assumed temporarily by the duly elected and serving member of the Fiscal Court who has the greatest seniority in his office, provisions of KRS 61.080(2) to the contrary notwithstanding.

Section 5. Any of the persons designated herein to serve in the line of succession to the County Judge during such state of emergency shall occupy and serve in the office of County Judge: (1) only until, if and when, the regular County Judge should return to the County from absence during the emergency or should recover from disability; or (2) until the Governor of the Commonwealth is able to make an appointment of a successor to the regular County Judge; or (3) until the termination of the state of emergency, whichever should occur soonest.

Section 6. For the purpose of this act, the regular County Judge, the County Judge Pro Tem, or other persons designated to serve in the line of succession during an emergency, shall be deemed "absent" when he is outside the County at the time of the occurrence or declaration of the emergency and is unable to return; and shall be deemed "disabled" when sick, injured or mentally incompetent to perform the duties.

**HB 470,** AN ACT relating to maintenance of subdivision roads in counties containing a city of the first class.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

In counties containing a city of the first class, any street or road located outside the corporate limits of any incorporated city which is a street or road of or through a subdivision which joins one county road to another county road, or one county road to a state maintained road, shall be maintained by the Fiscal Court of the county in the same manner that roads established under KRS 178.115 are maintained, if the street or road has been or shall be so constructed and drained as to meet the approval of the County Road Engineer, such approval being based on the established standards for county road construction within the county.

**HB 439,** AN ACT relating to the making by counties of traffic regulations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Subsection (4) of Section 189.390 of the Kentucky Revised Statutes is amended to read as follows:

(a) Whenever municipal authorities or the county court of any county [containing a city of the first class or second class] determine upon the basis of an engineering and traffic investigation that the speed permitted under subsection (2) of this section is greater or less than is reasonable or safe under the conditions found to exist at any location within the municipality or unincorporated areas of such county, such municipal authority or county court, subject to paragraph (b) of this subsection, shall determine and authorize by ordinance or order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are appropriately erected at such location. In no event, however,

shall said municipal authority or county court increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty miles per hour.

(b) Alteration of speed limits on state highways within a municipality by municipal authorities or within the unincorporated areas of counties [containing a city of the first class or second class] by county courts thereof shall not be effective until such alteration has been approved by the Commissioner of Highways. In no event shall said commissioner approve any alteration which could increase any speed limit established by subsection (2) of this section so as to permit in any instance a speed limit in excess of sixty miles per hour.

(c) Whenever the county court [of any county containing a city of the first class or second class] determines upon the basis of an engineering and traffic investigation and study that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one motor vehicle is permitted to park in such district so as to reduce such congestion, then the county court may by order establish "no parking" areas on and along said highway, or limit the length of time any motor vehicle may be parked in any business district, which order or orders shall be effective at all times and during hours of daytime or nighttime and at such other times as may be determined when appropriate signs giving notice thereof are erected at such locations.

(d) Notwithstanding the other limitations in this subsection, the Commissioner of Highways may establish, by official order, reasonable and safe speed limits on turnpikes and limited access state highways not to exceed seventy miles per hour.

Section 2. Section 179.070 of the Kentucky Revised Statutes is amended to read as follows:

The county engineer shall:

(1) Have general charge of all county roads and bridges within his county;

(2) See that county roads and bridges are improved and maintained as provided by law;

(3) .Supervise the construction and maintenance of county roads and bridges and other work of like nature undertaken by the fiscal court;

(4) Make reports from time to time as the county or fiscal court directs;

(5) Advise and direct employes of contractors how best to repair, maintain and improve county roads and bridges;

(6) Examine the various formations and deposits of gravel and stone in his county to ascertain the materials most available and best suited for the improvement of roads therein, and, when requested by the Department of Highways, submit samples of such materials and deposits and make a written report concerning the materials;

(7) Establish or cause to be established necessary grades and recommend means of drainage, repair and improvement;

(8) Together with the fiscal court, consider and either reject or approve plans, specifications and estimates submitted for the erection or repair of bridges and the construction or maintenance of county roads;

(9) Inspect, or cause to be inspected, each county road or bridge during its construction or improvement, and certify to the fiscal court the progress of the work and whether or not the work is being done according to the contract, plans and specifications prepared therefor. If he finds that the work is not being done in accordance with the contract, plans and specifications, he may stop any further work thereunder until the fiscal court has inspected and passed upon it;

(10) Remove trees or other obstacles from the right of way of any publicly dedicated road when the tree or other obstacles become a hazard to traffic; and

(11) Make recommendation to municipal authorities in a county containing a city of the first class or the county court of a county [containing a city of the first class] for the establishment of speed limits by either in accordance with the powers granted in municipal authorities and the county court by KRS 189.390 (4) (a), and make recommendations to the county court for the

establishment of parking restrictions by the county court in accordance with KRS 189.390 (4) (c);

(12) Make engineering and traffic investigations and make recommendations based thereupon to the fiscal court of counties [containing a city of the first class] for the adoption of traffic regulations for any publicly dedicated road in unincorporated portions of the county or for any road made a portion of a county through road system, established in accordance with KRS 178.330 or 178.333, or both, in any manner reasonably calculated to promote the safety and convenience of the traveling public and to protect and preserve the roads and streets. The fiscal court may adopt regulations which may include, but not be limited to, the establishment on roads designated in the first sentence of this subsection of traffic lanes, the installation or removal of electric signals and other signs and markers, the removal of traffic bumps, the limitation or prohibition of parking, and the regulation or prohibition of a size or weight deemed likely to impede traffic or injure the streets; provided, however, that if such regulation of size and weight of vehicles conflicts with state regulations, and the latter shall prevail. Nothing herein shall be construed to prevent the fiscal court from contracting with city authorities for the joint installation of signs, markers, and electric signals and for their maintenance.

**HB 409,** AN ACT relating to county courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 74.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the requirements herein specified any county court, upon petition of twenty-five resident freeholders of the proposed district, may establish a water district and appoint water commissioners for the purpose of furnishing a water supply to the citizens of the county. The petition shall describe the territory intended to be included in the district, and shall set out the reasons a water district is needed.

(2) When the petition is filed the court shall give notice of the filing by publication pursuant to KRS Chapter 424. Within

thirty days after the publication, any resident of the proposed district may file objections, and the court shall set the case for hearing within ten days. If the court finds that the establishment of such district is reasonably necessary for the public health, convenience, fire protection, and comfort of the residents, it shall make an order establishing the district, and designating it by name or number. *A fee of twenty dollars shall be allowed the court for hearing the petition and entering its order.*

(3) The court may in this order strike off any part of the territory that the testimony shows will not be benefitted by the creation of the district. If the court does not find that the district is necessary, it shall dismiss the petition. Either party may thereupon appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals as provided by law.

Section 2. Section 202.020 of the Kentucky Revised Statutes is amended to read as follows:

The circuit courts shall have exclusive jurisdiction of all inquests concerning the commitment or determination of competency of persons alleged to be mentally ill or mentally defective, except that when no circuit court is in session in the county, such inquests may be held by a circuit judge or by the county court, provided, that all inquests upon persons convicted of a crime shall be held only at regular term of the circuit court. When the inquest is held by the county court a fee of *five dollars* [three dollars] shall be allowed the court for holding said inquest and this fee shall be paid by the county, upon a certified copy of an order of allowance made by the court holding the inquest.

Section 3. Section 387.020 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* The several county courts shall have jurisdiction for the appointment and removal of guardians to minors, and the settlement of their accounts. The county court of the county in which the minor resides at the time of appointment shall have the jurisdiction; but if the appointment is made by the will of the father or mother of the minor, then the jurisdiction shall be in the county court of the county in which the will was probated; and if the minor be a nonresident of the State of Kentucky

and has real estate or an interest in real estate in the State of Kentucky, the jurisdiction shall be in the county court of that county in which some portion of such real estate may lie; if the minor be a nonresident of the State of Kentucky and has no real estate or interest in real estate in the State of Kentucky, but has personal property in the State of Kentucky, then the jurisdiction shall be in the county court of that county in which such personal property is located; if the minor be a nonresident of the State of Kentucky and has real estate or personal property or an interest in real estate or personal property in more than one county in the State of Kentucky, then the jurisdiction shall be in the county court of either or any of such counties in which the real estate or personal property is located which first takes jurisdiction in proceedings for the appointment of a guardian, and in the appointing of a guardian for a minor who is a nonresident as herein provided for the guardianship shall be only for that property or interest in property within the State of Kentucky. In the event of a minor who resides in the State of Kentucky but has no property within the State of Kentucky, either real or personal, but it is necessary that a guardian be appointed to give consent to marriage, or enlistment in the Army or Navy, or in any other case where the law requires the consent of a guardian, then and in that event the county court of the county in which the minor has resided not less than one year shall have the jurisdiction and authority to appoint a guardian for the purpose of giving such consent.

*(2) A fee of five dollars shall be allowed the court for the appointment or removal of a guardian as provided in this section and in KRS 387.050 and 387.090.*

Section 4. Section 387.282 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Such appointment shall be made only after a verified statement has been filed by a reputable citizen of the county or by an authorized representative of the agency disbursing the funds, showing that the person is physically, mentally, or otherwise unable or unfit to receive, manage and disburse for his or his family's maintenance and support funds which may be allotted to him by the state, federal, city or county agency. If the

appointment is requested for physical or mental reasons, the petition must be supported by the affidavit of some regularly practicing physician showing that said person is physically or mentally disabled, as alleged therein. In all other cases, the petition must be supported by the affidavit of an authorized representative of the agency disbursing the funds showing the reason the appointment is needed.

*(2) When the appointment of a special committee is requested in the county court, the court shall be allowed a fee of five dollars.*

Section 5. Section 387.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any person deems himself unfit by reason of advanced age or physical disability and weakness to properly and prudently manage or care for his real or personal property or manage his business with prudence and understanding, the county court may, upon his verified petition without notice or public hearing, appoint a curator to assume charge and management of his real or personal property or business, subject to the direction of the court.

(2) The court shall take bond with good surety from the person appointed curator for the full and faithful performance of the trust confided in him.

*(3) A fee of five dollars shall be allowed the court in any proceeding for the appointment of a curator.*

Section 6. Section 394.145 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* When any will is offered for probate, the court shall require a verified application to be filed by the person offering the same. Such application shall state the residence of the testator at the time of his death and such other facts as may be necessary to establish the jurisdiction of the court, and the names, ages and postoffice addresses of the testator's surviving spouse and heirs at law, or such as are known. An application for probate and for appointment as executor or administrator with the will annexed may be combined in one application.

*(2) A fee of five dollars shall be allowed the court when a will is offered for probate in the county court.*

Section 7. Section 395.015 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before being appointed as executor, administrator, curator, or administrator with the will annexed, every person shall make and file in duplicate a written application under oath, which must state the names of the deceased's surviving spouse and all of his heirs at law or such as are known, their postoffice address if known, the date of death and also a statement in general terms as to what the estate consists of and the probable value of the personal and real estate and also a statement of any indebtedness owing by the applicant to the deceased. A duplicate copy of said application shall be mailed by the clerk to the Commissioner of Revenue of the State of Kentucky.

(2) In case of intestacy , if there be no surviving spouse, or if such spouse waives the right of appointment or is not qualified to act and does not nominate a suitable administrator and there are more than one resident heir at law entitled to appointment, the court shall thereupon appoint a time for hearing such application. Notice of said hearing shall be given to the surviving spouse and all known heirs of the deceased residing in the state, in the manner provided in KRS 395.016.

*(3) A fee of five dollars shall be allowed the court for its appointment of an administrator or curator.*

Section 8. Section 395.450 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* The county court that has jurisdiction to grant administration of the estate of a person dying intestate shall have jurisdiction of proceedings to dispense with administration.

*(2) The court shall be allowed a fee of five dollars for each order it enters under the provisions of this chapter dispensing with administration.*

Section 9. Section 401.010 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Any person at least twenty-one years of age, who is not a married woman, may have his name changed by the county court of the county in which he resides. If he resides on a United States army post, military reservation or fort his name may be changed by the county court of any county adjacent thereto.

*(2) In every proceeding under this section and under KRS 401.020, the court shall be allowed a fee of five dollars.*

Section 10. Section 402.020 of the Kentucky Revised Statutes is amended to read as follows:

Marriage is prohibited and void:

(1) With an idiot or lunatic;

(2) Between a white person and a Negro or mulatto;

(3) Where there is a husband or wife living, from whom the person marrying has not been divorced;

(4) When not solemnized or contracted in the presence of an authorized person or society;

(5) When at the time of marriage, the male is under eighteen or the female under sixteen years of age, provided, however, that in case of pregnancy the male or female, or either of them under the ages herein specified may apply to a county judge for permission to marry, which application may be granted, in the discretion of the county judge. *The court shall be allowed a fee of five dollars for hearing each such application.*

Section 11. Section 406.021 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* Paternity may be determined upon the complaint of the mother, child, person or agency substantially contributing to the support of the child. Such action shall be brought by the county attorney upon the request of such complaint herein authorized. If paternity has been determined or has been acknowledged according to the laws of this state, the liabilities of the father may be enforced in the same or other proceedings by the mother, child, person or agency substantially contributing to the cost of pregnancy, confinement, education, necessary support or funeral expenses.

*(2) For every hearing held by the county court under the provisions of this chapter, the court shall be allowed a fee of five dollars.*

**HB 391,** AN ACT authorizing lump sum expense allowances to county judges.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of KRS 64.710 to 64.720 is created to read as follows:

The Fiscal Court of each county may authorize the payment of a lump sum expense allowance to the county judge, not to exceed the following:

(1) In counties containing a city of the first class $400 per month

(2) In counties containing a city of the second class $200 per months

(3) In all other counties $100 per month.

Upon becoming law this Act shall include all of the calendar year 1968 for payment of monthly expense allowance.

**HB 300,** AN ACT relating to repair, closing or demolition of unfit dwelling by cities and counties.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 80.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 80.620 to 80.720, unless the context requires otherwise:

(a) "Dwelling" means any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

(b) "Governing body" means the general council, board

of commissioners, or other legislative body, charged with governing a city, *and the fiscal court of any county.*

(c) "Public officer" means the officer or officers, who are authorized by ordinances *and resolutions* adopted hereunder to exercise the powers prescribed by such ordinances *and resolutions* and by KRS 80.620 to 80.720.

(d) "Public authority" means any housing commission or any officer who is in charge of any department or branch of the government of the city, county or state relating to health, fire, building regulations, or to other activities concerning dwellings in the city.

(e) "Owner" means the holder of the title in fee simple and every mortgagee of record.

(f) "Parties in interest" means all individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

(2) The powers conferred upon cities *and counties* by KRS 80.620 to 80.720 shall be in addition and supplemental to the powers, conferred by any other law.

Section 2. Section 80.630 of the Kentucky Revised Statutes is amended to read as follows:

Whenever any city *or county* finds that there exists in such city *or county* dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city *or county,* the city *or county* may exercise its police powers to repair, close or demolish such dwellings in the manner provided in KRS 80.640 to 80.720.

Section 3. Section 80.640 of the Kentucky Revised Statutes is amended to read as follows:

Upon the adoption of an ordinance *or resolution* finding that dwelling conditions of the character described in KRS 80.630

exist within a city *or county*, the governing body of the city *or county* may adopt ordinances *or resolutions* relating to the dwellings within the city *or county* which are unfit for human habitation. Such ordinances *or resolutions* shall provide that a public officer be designated or appointed to exercise the powers prescribed by the ordinances *or resolutions*, and shall include the provisions of KRS 80.650 to 80.680.

Section 4. Section 80.650 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a petition is filed with the public officer by a public authority or by at least five residents of the city *or county* charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges in that respect. The complaint shall state: That a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than ten days nor more than thirty days after the serving of the complaint; that the owner and parties in interest may file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

Section 5. Section 80.680 of the Kentucky Revised Statutes is amended to read as follows:

The public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwelling which are dangerous or injurious to the health, safety or morals of the occupants of such dwelling, the occupants of neighboring dwellings or other residents of the city *or county*. Such conditions may include the following (without limiting the generality of the foregoing): Defects increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; struc-

tural defects; uncleanliness. Additional standards to guide the public officer, or his agents, in determining the fitness of a dwelling for human habitation, may be provided by ordinance *or resolution.*

Section 6. Section 80.690 of the Kentucky Revised Statutes is amended to read as follows:

Complaints or orders issued by a public officer pursuant to an ordinance *or resolution* adopted under KRS 80.620 to 80.720 shall be served upon persons either personally or by registered mail, but if the whereabouts of such person is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publication pursuant to KRS Ch. 424. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order, and shall be recorded in the office of the county clerk of the county wherein the dwelling is located.

Section 7. Section 80.710 of the Kentucky Revised Statutes is amended to read as follows:

The governing body of the city *or county* may by ordinance *or resolution* authorize the public officer to exercise such powers as are necessary or convenient to carry out and effectuate the purposes and provisions of KRS 80.620 to 80.720, including the following powers in addition to others herein granted:

(1) To investigate the dwelling conditions in the city *or county* in order to determine which dwellings therein are unfit for human habitation;

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examination, but such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of such officers, agents

and employes as he deems necessary to carry out the purposes of the ordinances; and

(5) To delegate any of his functions and powers under the ordinance to such officers and agents as he designates.

Section 8. Section 80.720 of the Kentucky Revised Statutes is amended to read as follows:

The governing body of any city *or county* adopting an ordinance *or resolution* under KRS 80.620 to 80.720 shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in such city *or county* for the purpose of determining the fitness of the dwellings for human habitation and for the enforcement and administration of its ordinances *or resolutions* adopted under KRS 80.620 to 80.720; and any such city *or county* may make such appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of such ordinances *or resolutions*.

The Committee on Counties and Special Districts reported **HB 187** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

Committee Substitute to **HB 187** is as follows:

**Committee Substitute HB 187,** AN ACT relating to publication of financial statements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 424.220 of the Kentucky Revised Statutes is amended to read as follows:

Excepting officers of a city of the first class, a county containing such a city, a public agency of such a city or county, or a joint agency of such a city and county, or of a school district of such a city or county, and excepting officers of a city of the second class that is required by law to publish an annual audit

of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with KRS 424.230. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of amounts paid to each individual as salary or commission and public utility bills need to be shown. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. *Within sixty days after the close of the fiscal year, the officer shall file a typewritten or printed copy of the statement in the public records of the county court clerk of the county wherein the principal office of the district, city or county is located. Extra copies of the statement shall also be prepared by the issuing official and made available to any resident and/or news media of the district, county or city who requests same. Promptly thereafter the officer shall cause to be published, in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be, a summary statement and notice that the itemized statement has been filed as required, giving the file number or book and page number where same may be examined by the public and the name and address of the office where copies may be obtained. Within thirty days after publication of the notice and summary, a copy thereof showing the name of the newspaper and date of publication shall be attached to a copy of the itemized statement and filed with the Auditor of Public Accounts. As used herein the word "summary"*

*shall mean a listing of the receipts and disbursements classified according to budgeted titles.* [The officer shall, within sixty days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under KRS 424.120 to publish advertisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county court clerk of the county. Within thirty days after publication the officer shall file with the Auditor of Public Accounts a copy of the newspaper containing the statement.]

Section 2. Section 424.230 of the Kentucky Revised Statutes is amended to read as follows:

Any officer who is subject to the provisions of KRS 424.220 may elect to prepare and *file* [publish] monthly or quarterly statements, in lieu of the annual statements required by KRS 424.220. All of the provisions of KRS 424.220 shall be applicable to such a monthly or quarterly statement except that (1) the statement shall cover only the preceding month or quarter, as the case may be, and (2) the *notice and summary shall be published* [publication shall be made] within thirty days after the end of the month or quarter, as the case may be. Any officer who has elected to proceed under this section shall not be exempted from the requirements of KRS 424.220 for any fiscal year unless he has caused to be prepared and published, in accordance with this section, a proper statement for each month or quarter of the fiscal year.

The Committee on Counties and Special Districts reported **HB 172,** and **HB 80** with Committee Substitute attached thereto, with the expression of opinion that the same should pass.

**HB 172,** AN ACT relating to public road districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 184.010 of the Kentucky Revised Statutes is amended to read as follows:

Public road districts may be established in counties containing cities of the first *or second classes* [class] for the purpose of providing the general public and persons residing upon or owning property adjacent to such roads with all-weather roads, appropriate drainage of said roads and sidewalks on either or both sides of said roads with reasonable maintenance during the existence of the road district.

Section 2. Section 184.020 of the Kentucky Revised Statutes is amended to read as follows:

A public road district may be established in the following manner: Any person or group of persons owning property abutting upon any public road (which is neither a county road nor a state road) in cities of the sixth class in counties containing cities of the first *or second classes* [class] and *in unincorporated areas* in counties [outside of and] containing cities of the first *or second classes* [class], may sponsor the creation of such a road district. The sponsors shall first prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines and terminal points of the road desired to be improved and shall set forth on such map the names of the owners of all property and the number of linear feet owned by them abutting upon such road, the location and size of drainage ditches and sidewalks. The sponsors of said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky, pursuant to KRS Chapter 322, the approximate cost of constructing the improvements desired and reasonable maintenance for the duration of the road district, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder. Said sponsors of said road district shall also prepare a petition and shall attach to said petition the aforesaid maps and statements of cost.

Section 3. Section 184.030 of the Kentucky Revised Statutes is amended to read as follows:

The petition mentioned in KRS 184.020 shall set forth:

(1) The proposed name of said district, which shall be "_____ (name of road) Road District of _____ County, Kentucky."

(2) The necessity for the proposed work and that it will be conducive to the public safety, comfort, convenience or welfare.

(3) A general description of the purpose of the contemplated improvement *or the extent and nature of the contemplated maintenance, or both* and a brief general description of the road to be improved, *or maintained,* setting forth its width and terminal points, and referring to the map which shall be attached to the petition for a detailed description.

(4) The petition shall pray for the organization of the road district.

Section 4. Section 184.040 of the Kentucky Revised Statutes is amended to read as follows:
thereupon determine the front-foot cost of constructing the road improvement *or the front-foot cost of providing road maintenance.* The board of directors shall then assess against each owner of the property abutting upon the road improved *or maintained* within the limits of the *district* [improvement] that proportion of the cost of constructing the entire improvement *or that proportion of the cost of providing proper maintenance* which his front footage abutting upon the road bears to the total front footage of all properties abutting upon the road within the *district* [area to be improved]. In determining the total front footage intersection shall be included.

Section 9. Section 184.140 of the Kentucky Revised Statutes is amended to read as follows:

The board of directors shall notify each property owner in writing of the assessment made against him and shall also cause printed notices setting forth the assessments against each property owner to be posted in at least ten public places along the road to be improved *or maintained.* The property owner may pay the assessment against his property in cash without interest within thirty days from the date of the notice, or may elect to pay such assessment by paying same in ten equal annual install-

ments, the first of which shall be paid within such thirty days without interest, and an agreement executed to pay the other nine installments annually thereafter with interest at the maximum rate of six percent per annum payable semiannually. The notice of assessment shall state said terms.

Section 10. Section 184.240 of the Kentucky Revised Statutes is amended to read as follows:

In order to obtain funds sufficient to pay for the construction of the proposed improvement, *or sufficient to pay for the reasonable maintenance of the road,* being the balance required after the receipt of full cash payments and initial installment payments, but not including in such balance payments due from owners who failed or refused to make full cash payments or to enter into installment payment agreements, the board of directors may, in its discretion, provide by resolution for the issuance of interest-bearing apportionment warrants against each parcel of property or may direct the issuance and sale of road district bonds, as hereinafter provided. No bonds shall be issued unless the aggregate amount of installment payments, subsequent to the first cash payment is one thousand dollars or more.

Section 11. Section 184.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the event that the board of directors determines to issue road improvement bonds, *or road district bonds for maintenance purposes,* it may pledge the special assessment and liens on the property for the payment of the principal and interest of such bonds and shall apply the proceeds thereof exclusively to the payment thereof. The bonds shall bear a date not less than thirty days nor more than sixty days after the date which was the last day for the execution by the property owners of installment payment agreements. The bonds shall be negotiable and payable to bearer, shall provide for the semiannual payment of interest at a rate of not in excess of six percent per annum, shall bear coupons to provide for the payment of such interest, shall be numbered consecutively, shall be in denominations of one hundred dollars or its multiple (provided that any odd amount not in multiple of one hundred dollars may be included in the last

bond to mature), shall be divided into nine series as nearly equal as practicable, one series maturing each year, and shall be payable at the office of the treasurer of the road district or at a bank or trust company named in the bonds. The bonds shall have the name of the road for the improvement *or maintenance* of which they are issued printed or engraved thereon, shall state the character and extent of the improvements, *or the character and extent of the contemplated maintenance,* shall be signed by the chairman and secretary of the board of directors, and the coupons shall be signed by the secretary either personally or by his engraved or lithographed facsimile signature.

(2) It shall not be necessary in the bonds to recite the steps taken for the improvement of the road, *maintenance of the road* or in making the assessment of the cost thereof, but it shall be sufficient to make a general reference to such proceedings and to this chapter. The bonds shall be exempt from all taxation by or in the Commonwealth of Kentucky. The bonds shall convey and transfer to the owner thereof all lien, right, title and interest in and to the assessments and liens upon the respective parcels of land abutting upon the improvement. Said liens, until released after payment, as herein provided for, shall be security for such bonds and coupons until they are paid.

(3) The bonds shall be subject to prepayment and redemption at any interest period thereof which does not occur within four years from the date thereof. The treasurer of the district shall, when funds have accumulated from any special assessment sufficient to redeem in excess of the next series falling due, by lot select from the next succeeding issue falling due thereafter bonds of a par value equal to the excess in said fund raising from the excess collection and shall advertise by publication pursuant to KRS Ch. 424 the designation and numbers of the bond or bonds so drawn to the effect that on said date, the bonds will be redeemed at their par value and accrued interest. The bonds specified in such notice shall bear no interest after the date fixed for their redemption, which provision shall be set forth in substance on the bonds.

Section 12. Section 184.270 of the Kentucky Revised Statutes is amended to read as follows:

The bonds shall be sold at public sale for not less than par and accrued interest to the highest responsible bidder. Such sale shall be advertised by publication pursuant to KRS Ch. 424. If no bidder offers par and accrued interest for the purchase of such bonds, then the road district shall have the right to turn them over to the contractor in full payment of that portion of the contract price of the improvement *or that portion of the contract price of the contemplated maintenance* represented by par and accrued interest. The contractor shall accept such bonds and give credit on the contract price for the full face value and accrued interest thereon. Any premium realized from the sale of the bonds and any penalties collected on account of the delinquency of any installment payments of assessments shall be added to the bond fund for the payment of the bonds and interest thereon. Said bonds and interest shall be payable out of funds actually paid to and collected by the road district on account of the improvement assessment in anticipation by which the bonds were issued.

**HB 80,** AN ACT relating to commercial improvement districts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. As used in this Act:

(1) "District" means the geographic area designated by a city of the second or third class as a Commercial Improvement District and all the real property owned by the city within that area.

(2) "City" means a city of the second or third class that has established a Commercial Improvement District.

Section 2. (1) The legislative body of any city of the second or third class may by ordinance establish within the corporate limits of the city a commercial improvement district. The district established under the provisions of this Act is declared to be for a public purpose and shall have the powers, duties and functions herein prescribed. The district shall be known as the _____ (name of city) _____ Commercial

Improvement District and shall be a public body corporate, and political subdivision, with power to adopt, use and alter at its pleasure a corporate seal, sue and be sued, contract and be contracted with, and in other ways to act as a natural person, within the purview of this Act.

(2) The ordinance establishing the district shall adequately describe the boundaries of the area to be included in the district and shall state the purpose for which the district is established.

Section 3. Before a commercial improvement district may be established, the legislative body of the city shall conduct a hearing to determine the necessity for the district. The city shall give notice of the hearing by publication pursuant to KRS Chapter 424. Where a need for the district is found to exist, the legislative body of the city may by ordinance authorize the issuance of revenue bonds in sufficient amounts to provide all or any part of the city's cost resulting from any act done under Section 5 of this Act. The bonds shall be known as "Commercial Improvement Revenue Bonds of the City of _____ Kentucky" and shall mature over a period of forty years. The bonds shall be payable solely from a special fund of the city to be created for that purpose, and such revenue bonds shall not constitute an indebtedness of the city.

Section 4. Whenever the legislative body of any city of the second or third class declares by ordinance that it is for the best interests of the city and the inhabitants thereof that a Commercial Improvement District be established and establishes such a district under the provisions of this Act, the clerk of the legislative body of the city shall file a certified copy of the ordinance with the clerk of the county in which the city is located, the Secretary of State, and with the State Local Finance Officer.

Section 5. The legislative body of the city shall have general control of the property and affairs of the district and shall have all the powers necessary to carry out the purposes of this Act including, but not confined to the following power:

(1) To advance from the general fund and expend necessary sums for feasibility studies and advance planning to deter-

mine the need for and the extent of improvements to be made to individual properties within the district;

(2) To construct, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, buildings, structures, and any other facilities, and to exercise the right of eminent domain to effectuate purposes of the district;

(3) To receive, acquire, hold, manage, expend, sell, and convey donations and bequests of real and personal property;

(4) To make necessary improvements to the property of the district including, but not limited to the following:

(a) The demolition, alteration or renovation of existing structures;

(b) The clearing, grading and provision of proper drainage;

(c) The closing of existing public ways and relocation or improvement of new public ways, including streets, sidewalks and the lighting thereof;

(d) The relocation of public and private utility installations;

(e) The extension and installation of water mains, sewer lines and other appurtenances that are recommended in the city's adopted comprehensive plan for location in the designated area;

(f) The establishment of parking facilities; and

(g) Landscaping.

Section 6. Any city which has established a commercial improvement district shall create a special fund which shall be known as the "Commercial Improvement Fund of the City of _____, Kentucky" into which shall be transferred:

(1) All revenue for ad valorem taxes levied by the city on privately owned real or personal property within the district;

(2) All revenue from leases on land, structures, buildings and appurtenances in the district acquired in a manner as provided in this Act;

(3) All revenues from occupational license taxes and occupational license fees which come due within the district; and

(4) All interest earned from the investment of temporarily idle cash balances in the commercial improvement fund.

Section 7. The city may borrow the money necessary for feasibility studies and advance planning permitted under Section 5 of this Act if funds are not available from existing general fund cash balances.

Section 8. The city may, to the extent necessary to insure the payment of annual principal and interest requirements on bonds issued under this Act, pledge the revenues derived from any municipally owned and operated water, gas, electric, sewer or other utility system that are surplus to the necessary costs of operating and maintaining such utility systems to any contractual commitment of the city to the holder or holders of outstanding bonds payable from such revenues.

Section 9. The city shall have the power to lease any part or all of land, structures, buildings and appurtenances acquired or improved under Section 5 of this Act. The lease agreement shall provide for rental payments of an annual amount sufficient to:

(1) Meet the annual debt service requirements of those bonds issued in connection with the construction of said buildings and appurtenances;

(2) Compensate the city in an amount equal to the tax revenues that would have been due the city had the buildings and appurtenances been subject to taxation;

(3) Compensate the school district having jurisdiction over the designated area in an amount equal to the tax revenues that would have been due the school district had the buildings and appurtenances been subject to taxation;

(4) Compensate the county in which the district is located in an amount equal to the tax revenues that would have been due the county had the buildings and appurtenances been subject to taxation; and

(5) Compensate all other taxing districts having jurisdiction over the designated area in an amount equal to the tax revenues that would have been due the district had the buildings and appurtenances been subject to taxation.

Section 10. The city shall devote all moneys derived from any source other than the issuance of bonds to or for the payment of all operating expenses; bond interest; the acquisition and improvement of the district; contingencies; and other obligations incurred in the operation and maintenance of the district; the state, any county, any school district, any municipality and any other special taxing district in which the district operates of the same respective amounts as provided in Section 11 of this Act, and if it has met all obligations imposed on it by Section 6 of this Act it may at the end of any twelve months ending June 30 transfer any surplus to the general fund of the municipality which authorized it; the redemption and purchase of Commercial Improvement Revenue Bonds, in which case such bonds should be canceled; the creation and maintenance of a cash working fund; the payment of an amount to the general funds of the municipality not to exceed a cumulative return of six percent per annum of the equity, if any, of the municipality.

Section 11. The state, each county, each school district, each municipality, and each other special taxing district in which any district operates shall each year be paid by the district from the revenues received by the district an amount in lieu of taxes which shall be the same amount as that determined by multiplying the book value of the property of the district located in each such jurisdiction as of the preceding December 31 by the current tax rate of the jurisdiction. Liability for such payments shall attach on the first reporting date following acquisition of property by the district. "Book value" as used in this section means the cost of tangible property plus additions, extensions and betterments less reasonable depreciation or retirement reserve, provided however, that manufacturing machinery shall be excluded in the determination of book value for payments to local jurisdictions. "Year" as herein used means the twelve-month period ending December 31. The book value so determined shall be in accordance with standard accounting practices and the books and records of the district shall be subject to inspection by the

tax commissioner of the county in which the district is located and to being adjusted by it if found not to comply with the conditions herein stated. It shall be the duty of the district on or before March 31 of each year to certify to the tax commissioner of the county in which the district is located the book value, as of December 31 immediately preceding, of the property owned by the municipality in each taxing jurisdiction on said December 31. Upon the receipt of such certification of the district the county tax commissioner shall make such investigation and adjustment, hereinabove authorized, as it deems necessary, and no earlier than September 1 certify to the county court clerk and to the district the book value basis for determining the amounts required to be paid taxing jurisdictions. The clerk shall promptly certify such value to the respective taxing jurisdictions. Such amounts for any year shall be paid to the taxing jurisdictions within thirty days from the date of the certification by the county clerk. Said taxing jurisdiction shall have a superior lien upon the revenues received by the district for the amounts required by this section to be paid them.

Section 12. Any city which has established a Commercial Improvement District may accept aid from the federal government or any agency thereof in carrying out the purposes of the district and the same may be used to provide additional funds for any purpose for which Commercial Improvement Revenue Bonds have been issued or special taxes levied.

Committee Substitute to **HB 80** is as follows:

**Committee Substitute HB 80,** AN ACT relating to commercial improvements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read:

As used in this Act:

(1) "City" means a city of any class that has established a Commercial Improvement Project.

(2) "Project" means the geographic area designated by the

legislative body of a city to be a Commercial Improvement Project and all the real property within that area.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

(1) The legislative body of any city may by ordinance establish within the corporate limits of the city a Commercial Improvement Project which is declared to be for a public purpose and shall be known as the ———————— Commercial
(name of city)
Improvement Project.

(2) The ordinance establishing the project shall adequately describe the boundaries of the area to be included in the project and shall state the purpose for which the project is established.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

Before a commercial improvement project may be established, the legislative body of the city shall conduct a public hearing to determine the necessity for the project. The city shall give notice of the hearing by publication pursuant to KRS Chapter 424. Where a need for the project is found to exist, the legislative body of the city may by ordinance authorize the issuance of revenue bonds in sufficient amounts to provide all or any part of the city's cost resulting from any act done under Section 4 of this Act. The bonds shall be known as "Commercial Improvement Revenue Bonds of the City of ————————, Kentucky" and shall mature over a period of time not to exceed forty years. The bonds shall be payable solely from a special fund of the city to be created for that purpose, and such revenue bonds shall not constitute an indebtedness of the city.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

The legislative body of the city shall have all the powers set forth in KRS 82.105 to 82.180 in addition to those necessary to carry out the purposes of this Act including, but not confined to, the following power:

(1) To advance from the general fund and expend necessary sums for feasibility studies and advance planning to determine the need for and the extent of improvements to be made to individual properties within the project;

(2) To acquire by purchase, lease, option, or exercise of the power of eminent domain and accept by grant, gift or otherwise title to any real or personal property located in the designated area when such acquisition is deemed necessary to carry out the purpose for which the project was established; and

(3) To make necessary improvements to the property within the project including, but not limited to, the following:

(a) The demolition, alteration or renovation of existing structures;

(b) The clearing, grading and provision of proper drainage;

(c) The closing of existing public ways and the relocation or improvement of new public ways, including streets, sidewalks and the lighting thereof;

(d) The relocation of public and private utility installations; provided, however, that the legislative body shall have no power to condemn or require the relocation of property or facilities of a public service company when such action would destroy or adversely affect the service rendered by it to the public in and about the project or would adversely affect the general system of facilities operated by the public service company;

(e) The erection of such buildings and appurtenances as are recommended in the city's adopted comprehensive plan for location in the designated area;

(f) The extension and installation of water mains, sewer lines and other appurtenances that are recommended in the city's adopted comprehensive plan for location in the designated area;

(g) The establishment of parking facilities; and

(h) Landscaping.

Section 5. A new section of the Kentucky Revised Statutes is created to read:

(1) Any city which has established a commercial improvement project shall create a special fund which shall be known as the "Commercial Improvement Fund of the City of _____, Kentucky" into which shall be transferred:

(a) All revenue for ad valorem taxes levied by the city on real or personal property located in the project and subject to taxation;

(b) All revenue from leases on land, structures, buildings and appurtenances in the project, acquired under the provisions of this Act and exempt from taxation by virtue of the city's ownership of such land, structures, buildings and appurtenances; and

(c) All revenue from occupational license taxes and occupational license fees which come due within the project.

(2) The legislative body of the city shall authorize payments to be made from the Commercial Improvement Fund:

(a) To meet the annual debt service requirements on all bonds issued pursuant to the provisions of this Act, including principal, interest and reserves; and, whenever and so long as all such payments for debt service requirements are current;

(b) To compensate those governmental units having taxing authority over property in the project in an amount equal to the tax revenues lost to those governmental units by virtue of the city's ownership of such property; and, after all payments authorized in (a) and (b) herein have been made;

(c) To accomplish any of the provisions described in Section 4 of this Act; or

(d) For any lawful corporate purpose of the city.

Section 6. A new section of the Kentucky Revised Statutes is created to read:

The city may, to the extent necessary to insure the payment of annual principal and interest requirements of the bonds issued under this Act, pledge the revenues derived from any municipally owned and operated water, gas, electric, sewer or other utility system that are surplus to the necessary costs of operating and maintaining such utility systems, subject to any con-

tractual commitment of the city to the holder or holders of outstanding bonds payable from such revenues.

Section 7. A new section of the Kentucky Revised Statutes is created to read:

The city shall have the power to sell or lease any part or all of the land, structures, buildings and appurtenances acquired or improved under this Act. Any such lease agreement shall provide for rental payments sufficient:

(1) To meet the annual debt service requirements of those bonds issued under this Act; and

(2) To compensate all governmental units having taxing authority over property in the project as provided for in Section 5 (b) of this Act.

Section 8. A new section of the Kentucky Revised Statutes is created to read:

Each governmental unit having taxing authority over property in the project shall each year be paid from the revenues received an amount in lieu of taxes which shall be the same amount as that determined by multiplying the book value of the property located in the project as of the preceding assessment date of the city by the current tax rate of the governmental unit. "Book value" as used in this section means the cost of tangible property plus additions, extensions and betterments less reasonable depreciation; provided, however, that manufacturing machinery shall be excluded in the determination of book value for payments to local governmental units. The book value so determined shall be in accordance with standard accounting practices and the books and records of the city, insofar as they relate to the determination of such book value, shall be subject to inspection by the tax commissioner of the county in which the project is located; and the tax commissioner shall have the authority to adjust such book value if it is found not to comply with the conditions that are stated herein.

Section 9. A new section of the Kentucky Revised Statutes is created to read:

Nothing in this Act shall authorize (1) the financing of the costs of facilities for the generation, transmission, or distribution of electric energy; or (2) the financing of the cost of facilities for the production, transmission, or distribution of gas (natural, manufactured, or mixed), water, telephone and telegraph. Nothing in this Act shall authorize the city legislature to condemn or require the relocation of property or facilities of a public service company when such action would destroy or adversely affect the service rendered by it to the public in and about the benefited area, or would adversely affect the general system of facilities operated by the public service company.

The Committee on Counties and Special Districts reported **SB 97** without expression of opinion.

The Committee on Highways and Traffic Safety reported **SB 101, HB 387, SB 252** with Committee Amendment attached thereto, and **HB 191** with expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 101,** AN ACT relating to insurance for members of the state police.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 16.075 is amended to read as follows:

(1) The Department of Public Safety *shall* [may] secure such automobile liability insurance as will reasonably protect the interest of members of the state police when in the conduct of official business.

*(2) The department shall pay the premiums necessary to provide the insurance required by this section, which shall be considered a proper cost of administration.*

*(3)* [(2)] Policies authorized by this section shall be purchased only in accordance with regulations prescribed by the Commissioner of Insurance and the Commissioner of Finance.

**HB 387,** AN ACT relating to motor vehicle dealers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 190.035 is amended to read as follows:

No license shall be issued by the department to any person to act as a motor vehicle dealer, or as a motor vehicle salesman for a motor vehicle dealer, unless the applicant for the motor vehicle dealer license has a fixed and permanent place of business in this state, including a lot and a building of suitable character and adequate facilities for the purpose of performing the functional business and duties of a motor vehicle dealer, which shall include the books, records, files and equipment necessary to properly conduct such business. The place of business shall not consist of a residence, tent, temporary stand or open lot. A dealer may conduct more than one business in a building otherwise meeting the requirements of this chapter providing he has suitable space and adequate facilities therein to properly conduct the business of a motor vehicle dealer. *A dealer who conducts an automobile salvage or junk business on the same premises as his motor vehicle business need not provide an office area separate and apart from the area where junk cars or parts are stored or situated.* The lot requirement of this section may be waived if the dealer has sufficient space within a building to properly show and display the motor vehicles being sold by him. The dealer shall display a sign easily visible from the street identifying his business.

**SB 252,** AN ACT relating to motor vehicle inspection.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.020 is amended to read:

(1) Before the owner of a motor vehicle, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity, may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with regulations issued by the department, except that a person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from

another state shall make application for registration within five days. The bill of sale must be in the motor vehicle during this five day period. If the owner of a motor vehicle is an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he resides. If the owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of either such county. The application when presented to the county clerk for registration shall be accompanied by:

(a) A bill of sale and a manufacturer's certificate of origin if the application is for the registration of a new motor vehicle; or

(b) The owner's registration receipt, if the motor vehicle was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a motor vehicle to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a motor vehicle to obtain a certificate of title or ownership; and

*(e) If the application is for registration of a motor vehicle not previously registered in this Commonwealth or if the application is for registration pursuant to transfer of ownership of a motor vehicle, the applicant shall produce proof that an official certificate of inspection and approval as provided in KRS 189.641 to 189.647, 189.651 to 189.659 has been obtained for such vehicle within twelve months next before the application.*

(2) After that, the owner of any motor vehicle registered under KRS 186.050 (1) and (2) shall register his motor vehicle on or before March 1 of each year. If, before operating such motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he will be deemed to have complied with the law. Insofar as the owner is concerned, registra-

tion with the clerk shall be deemed to be registration with the department.

(3) After that, the owner of any commercial vehicle registered under KRS 186.050 (3) through (13) shall register his commercial vehicle on or before April 1 of each year. If, before operating such commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

(4) The application and documents presented therewith shall be retained on file in the office of the clerk for a period of not less than seven years.

Section 2. KRS 189.641 is amended to read as follows:

As used in KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], unless the context otherwise requires:

(1) "Department" means the Department of Public Safety;

(2) "Commissioner" means the Commissioner of the Department of Public Safety;

*(3) "Dealer" means a motor vehicle dealer as defined in KRS 190.010 (1);*

*(4) "Valid inspection sticker" means an inspection certificate affixed as provided in KRS 189.647 (3) within twelve months last past.*

Section 3. KRS 189.643 is amended to read as follows:

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, unless the equipment upon such vehicle is in good working order and adjustment as required in KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

Section 4. KRS 189.645 is amended to read as follows:

(1) *No person shall sell or trade any motor vehicle, trailer, semitrailer or pole trailer, except to a dealer, unless such motor vehicle, trailer, semitrailer or pole trailer, or any combination thereof, shall have been inspected for safety and an official certificate of inspection and approval obtained therefor within one year next before such sale or trade.* [Every motor vehicle, trailer, semitrailer and pole trailer registered in the Commonwealth shall be annually inspected for safety and an official certificate of inspection and approval shall be obtained for each such vehicle.]

(2) Such inspections shall be made and such certificates obtained with respect to the brakes, lights, turn signals (if any), steering, sound devices, glass, mirror, exhaust system, windshield wipers, and tires.

(3) In the event repair or adjustments of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose, within *ten* [five] days but in every event an official certificate of inspection and approval shall be obtained from an official permit holder within *ten* [five] days before such vehicle shall be operated upon the highways of this Commonwealth. The fee shall be collected at the time of the original inspection. No additional fee shall be charged if vehicle is repaired and returned to same inspection station within *ten* [five] days.

(4) The department *may* [shall] suspend the registration of any vehicle which is determined to be in such unsafe condition as to constitute a menace to safety, or which after notice and demand is not equipped as required by KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], or for which a required certificate has not been obtained.

(5) The commissioner may, by regulation, authorize the acceptance in the Commonwealth of a certificate of inspection and approval issued in another state having an inspection law similar to this Commonwealth. [and may extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was not in this Commonwealth during the time an inspection was required.]

Section 5. KRS 189.647 is amended to read as follows:

(1) The person operating an official inspection station shall issue a certificate of inspection and approval upon an official form furnished by the department to the owner of a vehicle only upon inspecting such vehicle and determining that its equipment required by KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994], is in good condition and proper adjustment. A record and report shall be made of every inspection and every certificate issued. These records shall be forwarded to the department at such times as the commissioner, by regulations shall specify. *Official proof of the issuance of the certificate of approval, on a form approved by the department, shall be furnished to the owner at the time the certificate is issued.*

(2) The fee for inspection, including the issuance of the certificate of approval shall not exceed $2.50. No certificate of approval shall be issued until and unless the prescribed inspection is completed and the permit holder has complied with the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

(3) The appropriate inspection certificate shall be placed in the lower right-hand portion of the front windshield at the conclusion of each inspection by the person performing the inspection.

Section 6. KRS 189.651 is amended to read as follows:

(1) No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection *or official proof of issuance thereof.*

(2) No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.

(3) No unauthorized person shall knowingly possess vehicle inspection stickers *or official proof of issuance thereof.*

(4) No permit for an official station shall be assigned or transferred or used at any location other than therein designated

and permits shall be posted in a conspicuous place at the location designated.

*(5) No person shall register or attempt to register any vehicle pursuant to KRS 186.020 by presenting any proof of issuance of a certificate of approval, knowing it to be fictitious or issued for another vehicle or issued without an inspection having been made.*

Section 7. KRS 189.653 is amended to read as follows:

(1) The department shall issue permits for and furnish instructions and all necessary forms to official inspection stations for the inspections of motor vehicles as herein required. An annual fee, set by regulation of the department, shall not exceed twenty-five dollars and shall accompany the application for a permit. If a permit is not issued, one-half of the fee shall be returned to the applicant. The official certificates of inspection and approval shall be obtained from the department at a cost not to exceed twenty-five cents per certificate. All fees collected by the department under KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 *and 189.995* [to 189.994] shall be put into the State Treasury and credited to a revolving fund for use by the department in the enforcement of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

(2) Application for a permit shall be made upon an official form and shall be granted only when the department is satisfied that the garage or service station is properly equipped and has competent personnel to make such safety inspections and that they will be properly conducted.

(3) The commissioner shall supervise and cause inspections to be made of such stations, and shall revoke the permit issued to a station which he finds is not properly conducted. The department shall maintain lists of all stations holding permits and of those whose permits have been revoked. No permit shall be granted or revoked solely or partially because of race, religion or political affiliation.

Section 8. KRS 189.655 is amended to read as follows:

(1) No person shall in any manner represent any place as

an official inspection station unless such station is operating under a valid permit issued by the department.

(2) All signs or posters pertaining to the safety inspection program to be used by an official station shall be approved by the department before being distributed or posted.

(3) No person other than a duly authorized permit holder, or appointed employe of the permit holder, shall issue a certificate of inspection and approval *or official proof of issuance of such certificate.*

Section 9. KRS 189.657 is amended to read as follows:

[(1) The commissioner may, with the approval of the Governor, extend the time for not more than sixty days for any of the inspections required by KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and 189.994, in any case, where weather conditions of the highways or any other cause whatsoever renders compliance with the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and 189.994 within the prescribed time difficult or impossible for a large number of persons.

(2)] The commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

Section 10. KRS 189.659 is amended to read as follows:

(1) The department shall issue a permit under the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994] to any operator of commercial vehicles who carries out a safety program meeting the approval of the department.

(2) All vehicles operated in interstate commerce and subject to the safety regulations adopted by the Interstate Commerce Commission or other vehicles which are required by regulation to submit to stricter and more frequent safety inspections shall be exempt from the effects of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994]. A motor vehicle which was manufactured prior to 1932 and which is used primarily for

exhibition in shows, parades, tours and other special uses but not for general transportation is exempt from the provisions of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and *189.995* [189.994].

Section 11. KRS 189.730 is amended to read as follows:

(1) The commissioner, uniformed officers and troopers of the Department of Public Safety and Department of Motor Transportation and such other officers and employes of the department and any other peace officer, as the commissioner may designate, may, at any time, upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such motor vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

*(2) In the event such vehicle does not bear a valid inspection sticker, issued within twelve months prior thereto, and there is reasonable cause to believe that the motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, the officer shall give written notice to the driver requiring said vehicle to be inspected within ten days thereafter and an official certificate of inspection and approval to be obtained therefor. The officer shall send one copy of such notice to the department.*

*(3)* [(2)] In the event such vehicle with a valid inspection sticker is found to be in unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send one copy to the Department of Public Safety. Said notice shall require that such motor vehicle be placed in safe condition and its equipment in proper repair and adjustment within a period of *ten* [five] days or else remove said motor vehicle from the public highways and not operate the same on the highways until said motor vehicle is repaired and placed in a safe condition.

*(4)* [(3)] No person driving a motor vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by the commissioner, or an authorized employe of the department, or an authorized peace officer. *Provided, however, that no vehicle shall be required to be again submitted to an in-*

*spection by an official inspection station while such vehicle bears a valid inspection sticker.*

[(5) [(4)] No person shall operate any vehicle after receiving a notice with reference thereto as provided in subsection *(3)* [(2)] except as may be necessary to return such vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment has been placed in proper repair and adjustment and otherwise made to conform to the requirements of KRS 189.641 to 189.647, 189.651 to 189.659, 189.730 and 189.995 [189.994].]

*(6)* [(5)] In the event repair or adjustment of any vehicle or its equipment is found necessary upon inspection, the owner of said vehicle may obtain such repair or adjustment at any place he may choose.

*(7)* [(6)] In the event the use of such vehicle in its present condition would, in the reasonable judgment of the officer, endanger the life of any member of the public, the officer shall require the vehicle to be parked, or taken immediately to an official inspection station, at the owner's expense, and not operated until it is placed in a safe condition.

Section 12. KRS 189.995 is amended to read as follows:

(1) Any person who violates any of the provisions of subsection (1) of KRS 189.645 or subsection *(2)* [(4)] of 189.730 shall be fined not less than one nor more than one hundred dollars.

(2) Any person operating an official inspection station who violates any of the provisions of subsection (4) of KRS 189.651 shall have his permit revoked.

(3) Any person who violates any of the provisions of subsection (3) of KRS 189.655 or subsection (2) *or (5)* of KRS 189.651 or subsection *(4)* [(3)] of KRS 189.730 shall be fined not less than one hundred nor more than five hundred dollars.

(4) Any person who violates any of the provisions of subsection (1) of KRS 189.655 or subsection (3) of KRS 189.651 shall be confined in the penitentiary for not less than one nor more than five years.

(5) Any person who violates any of the provisions of subsection (1) of KRS 189.651 shall be fined not less than five

hundred nor more than five thousand dollars or shall be confined in the penitentiary for not less than one nor more than ten years.

Section 13. Whereas confusion among members of the public may result, and the administration of the provisions of this Act will be rendered more difficult, unless such provisions take effect immediately, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

Committee Amendment to **SB 252** is as follows:

Amend printed copy of Senate Bill 252 on page 9, lines 23-25, by:

deleting the words: "upon reasonable cause to believe that a motor vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair,"

**HB 191,** AN ACT relating to registration of motor vehicles.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 186.050 is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, airport limousines and U-Drive-Its, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

(2) The annual registration fee for each motorcycle shall be $2.00, and for each sidecar attachment, $1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) through (13), shall be as follows:

| Declared Gross Weight of Vehicle and Any Towed Unit | Registration Fee |
|---|---|
| 0 - 6,000 | $ 10.00 |
| 6,001 - 10,000 | 24.00 |
| 10,001 - 14,000 | 30.00 |
| 14,001 - 18,000 | 50.00 |
| 18,001 - 22,000 | 132.00 |
| 22,001 - 26,000 | 160.00 |
| 26,001 - 32,000 | 216.00 |
| 32,001 - 38,000 | 300.00 |
| 38,001 - 44,000 | 474.00 |
| 44,001 - 62,000 | 588.00 |
| 62,001 - 73,280 | 750.00 |

(4) *(a)* Any farmer owning a truck having a gross weight of 24,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50. The applicant's signature upon the registration receipt shall constitute a certification that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 24,000 pounds or less, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed, machinery, livestock, materials and supplies necessary for his farming operation, and the products grown on his farm.

*(b) Any farmer owning a truck having a gross weight of 24,001 pounds or more during certain months of the year may obtain special registration for those months. For each month or part thereof the farmer shall pay a fee equal to one-twelfth of the annual fee set in subsection (3) above for commercial vehicles that have the same gross weight as the farmer's truck. The clerk shall issue a special receipt for the special registration provided in this paragraph, which shall be kept in the truck during the period covered. The special registration provided in this paragraph is in addition to the registration provided in paragraph (a) above.*

(5) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck

or bus registered as a school bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(7) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for $9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

(8) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third, or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in subsection (3) of this section,

and in lieu thereof shall pay forty percent of the fee set forth in subsection (3) hereof. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the registration certificate shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.

(9) Motor vehicles having a declared gross weight in excess of 18,000 pounds, which are used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple, where such railhead or tipple is located at a point not more than fifty air miles from the point at which such coal is mined, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay forty percent of the fee set out in subsection (3) hereof. The applicant's signature upon the registration receipt shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.

(10) Motor vehicles used exclusively for the transportation and delivery of motor vehicles, not including trailers and semitrailers, by means of the full mount or truckaway methods on trailers or semitrailers, shall pay an amount equal to three-fourths of the fee set out in subsection (3) hereof. Any applicant for such registration shall present to the county court clerk a certification from the department that the vehicle may be licensed in accordance herewith. No clerk shall issue registrations under this section without attaching a copy of the department's certification to the Department of Revenue copy of the registration receipt.

(11) Any owner of a commercial vehicle registered for a

declared gross weight in excess of 18,000 pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056 (2) may re-register such vehicle and obtain a "For Sale" registration receipt for $1.00. Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056 (2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.

(12) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be $20.00 and the tag issued shall be designated "Housecar." Provided, however, that the foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any such sleeping or eating facilities, or any commercial vehicle having sleeping facilities.

(13) The registration fee on any vehicle registered under this section shall be increased fifty percent when such vehicle is not equipped wholly with pneumatic tires.

The Committee on Education reported **HR 82, HB 484, HB 485** and **HB 480** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 82,** A CONCURRENT RESOLUTION expressing the sense of the General Assembly that an Extension Center of the Mayo Vocational School should be built in Magoffin County.

WHEREAS, Magoffin County is a poverty stricken area, qualifying for aid through the federal poverty programs; and

WHEREAS, there are many young people in this area who have dropped out of school, who could be taught to be productive citizens if there were a vocational school in this area; and

WHEREAS, there are many adults in this area who are unemployed, who could also be taught a trade and thereby become

productive citizens, if there were a vocational school in this area; and

WHEREAS, the closest vocational school to Magoffin County is the school in Johnson County, which has a very long waiting list for admission to the school; and

WHEREAS, people from surrounding areas would have little difficulty in commuting to a school in Magoffin County, due to the fact that Mountain Parkway has brought this area out of isolation; and

WHEREAS, many of the surrounding counties already have extension centers of the Mayo Vocational School;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the General Assembly does hereby express its opinion that an Extension Center of the Mayo Vocational School should be built in Magoffin County.

Section 2. That copies of this resolution be sent to Governor Louie Nunn; Wendell Butler, Superintendent of Public Instruction; Dr. Carl F. Lamar, Director of Vocational Training; Dr. J. M. Alsip, Executive Director of Finance, Department of Education; Dr. Henry Pogue, State Board of Education, Chairman; Dr. Frank Groschelle, Federal State Coordinator, Office of Area Development, Magoffin County Board of Education; Congressman Carl E. Perkins; Grant Venn, Dept. of Health, Education and Welfare; George Ramey, Director of the Mayo Vocational School in Johnson County and John Whisman, Kentucky Representative on the Appalachian Commission.

**HB 484,** AN ACT relating to removal of officers appointed by the Governor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 63.080 is amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, any person appointed by the Governor, either with or without the advice and consent of the Senate, may be removed from office by the Governor for any cause the Governor deems sufficient, by an order of the Governor entered in the Executive Journal removing the officer.

(2) Members of the Board of Trustees of the University of Kentucky, members of the Board of Regents [respectively] of Eastern Kentucky *University,* [State College] Western Kentucky *University,* [State College] [and] Murray State *University,* [College] *Morehead State University Kentucky State College, and members of the State Board of Education* may not be removed except for cause.

**HB 485,** AN ACT relating to education and the financing thereof.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 160.593 is amended to read as follows:

One or more boards of education of school districts which contain *a majority* [at least ninety percent] of the county's inhabitants may, after compliance with the public hearing requirement contained in KRS 160.603, request the fiscal court to levy one of the school taxes authorized by KRS 160.593 to 160.597, 160.601 to 160.627, 160.633 to 160.648. The fiscal court shall levy, within fifteen days of such request, the school tax at the rate requested.

**HB 480,** AN ACT relating to education.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

KRS 160.190 is amended to read as follows:

Any vacancy in any board of education shall be filled for the unexpired term by the other members of the board within ninety days after the vacancy occurs. If the vacancy is not filled by the other members of the board within ninety days, it shall be filled by the State Board of Education within [thirty] **ninety** days after

information has been filed by any citizen of the district that the vacancy has existed for more than ninety days. The member so chosen shall hold office for the unexpired term and until his successor is elected and has qualified.

The Committee on Education reported **HB 327** without expression of opinion.

The Committee on Education reported **HB 366** with the expression of opinion that the same should not pass.

The Committee on Judiciary reported **SB 142** with Committee Amendment attached thereto, **HB 331** with Committee Amendment attached thereto, **HB 429** and **HB 431** with Committee Amendment attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**SB 142**, AN ACT relating to compensation of master commissioners and receivers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows :

(1) The fees of master commissioners and receivers in a judicial district containing a city of the second class for the following services shall be as follows:

(a) To a commissioner for preparation and mailing of notices of hearing under order of reference.....$10.00

(b) To a commissioner for conducting a hearing under order of reference, per day, not to exceed.....$25.00

(c) To a commissioner for making a report pursuant to a hearing under an order of reference.....$25.00

(d) To a commission for making a deed.....$10.00

(e) To a commissioner or receiver for services required of him by the Court not specifically enumerated herein, per day, not to exceed.....$15.00

(f) To a commissioner for preparation and insertion of advertisement of sale of real or personal property, or for preparation of hand bills and notices----------$15.00

(g) To a commissioner for preparation and filing of a report of appraisement of real property----------$ 5.00

(h) To a commissioner for making and filing a report of sale and serving copies thereof----------$10.00

(i) For selling land or personal property or for receiving and paying out money under order of Court:

Where the amount is less than $5,000.00, 2%

Where the amount exceeds $5,000.00 but is less than $10,000.00, 2% on the first $5,000.00 and 1½% on the excess.

Where the amount exceeds $10,000.00, he shall receive fees as above provided, and 1% on the remainder, not to exceed a total of $1,000.00 for such services.

Commissioners and receivers shall receive no other compensation for making sales or for receiving and paying out money under order of Court except as set forth herein.

Where a commissioner goes out of the county to make a sale, he shall be allowed his actual expenses in addition to the above compensation.

For services in receiving, accounting for and paying out income on investments held by the receiver for others pursuant to the orders of the Court, a sum not exceeding 5% of such income per annum, to be allowed by the Court and paid out of such income.

The master commissioner shall be deemed a special commissioner of the Court in rendering services not specifically prescribed by any provision of the Kentucky Revised Statutes as a function of the office of the master commissioner, and he shall receive such allowance for such services as shall be made by the Court.

(2) If the commissioner needs, for the proper conduct of his office, a deputy, and he and his deputy or deputies are constantly employed in the discharge of their duties, the Court may

allow him, for reports and other services rendered under order of Court, such fees as the Court prescribes.

(3) Fees and allowances to commissioners and receivers shall in all cases, be taxed as a part of the costs and may be collected by distress as circuit clerk's fees are collected or on motion of the persons entitled to them by judgment and execution or attachment.

(4) No allowance shall be made to a master commissioner or receiver for services rendered by him other than those specifically enumerated above until he has filed in Court an affidavit setting forth the services rendered by him. In all such cases, evidence may be heard for and against such allowance.

Section 2. Section 64.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties containing a city of the first class, commissioners and receivers appointed by the circuit court shall receive an annual salary set by the circuit court, payable out of the fees of the office. In counties containing a population of 75,000 or over but not containing a city of the first class, commissioners and receivers appointed by the circuit court shall receive an annual salary of *not to exceed $9,600,* [$7,200,] payable out of the fees of the office.

[(2) The amount, if any, allowed for necessary office expenses of said commissioners and receivers shall be fixed and regulated by an order entered upon the order book of the circuit court. A certified copy of the order and any subsequent changes made therein shall, as soon as entered, be forwarded to the Department of Finance.]

*(2)* [(3)] Each *master* [of said] commissioner[*s*] and receivers shall enter and keep in books in his office an account of the amounts earned by him or due him for official services rendered, *the style and number of the action in which the service was rendered,* [when and to whom the service was rendered,] what part has been paid, and when paid. He shall annually, in January, report to the Department of Finance, under oath, the amount received by him for official services from all sources

during the preceding year, and the amount paid out for deputies, assistants and office expenses, giving separately the amount paid out for each item.

*(3)* [(4)] Except as provided in subsection *(4)* [(5)] of this section, the *master* commissioner or receiver shall, with the annual statement[,] *required by subsection (2) of this section* pay to the Department of Finance any amount in excess of his salary, received during the preceding year for official services, that remains after payment of salaries of deputies and assistants and legitimate office expenses.

*(4)* [(5)] Such *master* commissioners and receivers may make up out of the surplus of any year any shortage in their salaries, or the salaries of their deputies, of any previous year.

*(5) Services rendered by master commissioners under order of reference of the court which are not prescribed by any provision of the Kentucky Revised Statutes as a function of the office of master commissioner, shall not be deemed official services within the meaning of this section and compensation for such services when allowed by the court shall not be deemed a part of the salary of the master commissioner.*

Committee Amendment to **SB 142** is as follows:

Amend printed copy of Senate Bill 142 on page 3, lines 27 & 28, by:

placing the figure "75,000" in brackets and inserting the figure "70,000"

and by inserting in line 28 after the word "over" the following: "or a city of the second class"

**HB 331,** AN ACT relating to the surrender of persons in custody on criminal charges by this state to the United States or another state.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. It is declared to be the public policy of the Commonwealth of Kentucky that no person be relieved from the enforcement of the criminal laws of this state because of

errors of omission or commission on the part of officers and employes of the Commonwealth in surrendering custody over individuals found within this state to the United States or to another state, unless such surrender results in a denial of a right guaranteed by the Constitution of the United States or by the Constitution of this state.

Section 2. No action or omission of an officer or employe of this state or of any of its political subdivisions in surrendering a person in the custody of this state, whether under a final judgment imposing a sentence for crime or not, to the custody of the United States or another state shall preclude this state from thereafter exercising any authority it had at the time of the surrender or that it may thereafter acquire.

Section 3. This Act shall not apply to any act or omission which results in a denial of a right guaranteed by the Constitution of the United States or the Constitution of this state.

Section 4. This Act shall apply in all judicial proceedings in which the authority of this state to enforce its criminal laws against an individual is contested on the basis of a surrender of custody from this state to the United States or to another state, whether the surrender took place before or after the effective date of this Act.

Committee Amendment to **HB 331** is as follows:

Amend printed copy of House Bill 331 on page 2, lines 11, 12, 13, by:

deleting on line 11 the comma between the words "state" and "to" and inserting a period following the word "state", and by deleting lines 12 and 13.

**HB 429,** AN ACT relating to credit on sentence.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read:

(1) Any person convicted and sentenced to a state penal institution shall receive a credit on his sentence for the amount

of time the person has spent in custody prior to the commencement of such sentence as a result of the charge that culminated in the sentence. The credit herein provided shall be calculated from the date custody under the charge commenced to the date the sentence commences and shall not include any time that is credited against the term of any previously imposed sentence to which the person is subject. Where the charge or charges culminate in more than one sentence, the credit shall be applied as follows:

(a) If the sentences run concurrently, the credit shall be applied against each such sentence;

(b) If the sentences run consecutively, the credit shall be applied against the aggregate term of the sentences.

(2) In any case where a person has been in custody due to a charge that culminated in a dismissal or an acquittal, the amount of time that would have been credited against a sentence for such charge, had one been imposed, shall be credited against any sentence that is based on a charge for which a warrant or commitment was lodged during the pendency of such custody.

(3) The Department of Corrections is charged with the responsibility of determining the credit to be applied under this Act.

(4) The provision of this Act shall apply only to sentences imposed after the effective date of this Act.

**HB 431,** AN ACT relating to obstructing fire fighting operations.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read:

(1) A person is guilty of obstructing fire fighting operations when he intentionally and reasonably

(a) obstructs or impairs the efforts of any fireman in extinguishing a fire; or

(b) prevents or dissuades another from extinguishing or helping to extinguish a fire.

(2) Obstructing fire fighting operations is punishable by imprisonment in jail for not more than twelve months, a fine not to exceed $500, or both.

Committee Amendment to **HB 431** is as follows:

Amend printed copy of House Bill 431 on page 1, line 4, by:
deleting the word "reasonably" and inserting in lieu thereof the word "unreasonably"

The Committee on Judiciary reported **HB 433** with the expression of opinion that the same should not pass.

The Committee on Business Organizations and Professions reported **HB 292** and **HB 468** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 292,** AN ACT relating to auctioneers.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 330.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) A non-resident may become an auctioneer or apprentice auctioneer by conforming to all the conditions of this chapter.

(2) In its discretion, however, the board may waive the written examination, provided *that, at the time his application is submitted, the nonresident is a licensed apprentice or principal auctioneer in good standing in another state, the license requirements of which are at least equal in standard to those of Kentucky. In like discretion, the board may waive the apprenticeship requirement of a nonresident applicant residing so far away as to prevent his serving under a licensed Kentucky auctioneer, provided that the applicant must exhibit to the Board by affidavit or by other evidence as requested by it, that his experience and competency are sufficient to qualify him to take the examination for principal auctioneer.* [the non-resident has passed a written examination of the same standards in another state, and

is in good standing in that state at the time his application is submitted.]

(3) In every instance the non-resident must pay the issuance fee, the annual renewal fee and file the bond required by this chapter. The non-resident must also pay the examination fee unless the examination is waived by the board.

(4) In addition, every non-resident applicant shall file an irrevocable consent that actions may be commenced against the applicant in any court of competent jurisdiction in the Commonwealth, by the service of any summons, process or pleadings authorized by law on the secretary of the board. The consent shall stipulate and agree that the service of such process, summons or pleadings on the secretary shall be taken and held in all courts to be as valid and binding as if actual service had been made upon the applicant in Kentucky. In case any summons, process or pleadings are served upon the secretary of the board, it shall be by duplicate copies, one of which shall be retained in the office of the board, and the other immediately forwarded by registered mail to the last known business address of the applicant against which the summons, process or pleadings may be directed.

**HB 468,** AN ACT relating to photography.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This act may be cited as the "Photographers Licensing Act."

Section 2. As used in this act unless the context otherwise requires:

(1) "Photography" means the process of projecting and registering images by means of lens, camera and light upon sensitized materials and surfaces.

(2) "Practice of Professional Photography" means to take photographs for hire. Practice does not include, however, taking or producing motion pictures or photographs to be used primarily or exclusively in theater exhibition or television

broadcasting, for appearance in newspapers, magazines, books, x-ray pictures, blueprints, photostatic copies, pictures taken for clinical purposes by physicians or dental practitioners, pictures taken by a person in the employ of schools, colleges or institutions solely for the use of the school for educational or scientific purposes.

Section 3. The Photographers Licensing Board is created. The Board shall consist of five members to be appointed by the Governor, from a list of ten individuals who shall be selected by the Kentucky Professional Photographers Association and the names submitted to the Governor. Four members of the board shall be practicing professional photographers who have been practicing and residents of this state for not less than five years prior to appointment. One member of the board shall be a resident of the state not practicing professional photography. The original board shall be appointed for terms which will be staggered so that the terms of one member who is a practicing professional photographer expires on July 1 of each year. Thereafter appointments of members who are practicing professional photographers shall be for four years in such a manner that one term will expire on July 1 of each year. The one member of the board not a practicing professional photographer shall be appointed so that his term will expire on July 1, 1972. Thereafter his appointment shall be for four years so that it will expire on July 1.

Section 4. The board shall meet within thirty days after the appointment of the members and elect one of its members as president, one as vice president and one as secretary-treasurer. Officers shall be elected for one year terms, ending on July 1 each year. The board shall meet at least twice a year and as often and at such places as it may deem necessary.

Section 5. All money paid to the State Treasurer for licenses and fees required by this Act shall be for the sole use of the Photographers Licensing Board and shall be in addition to any monies appropriated by the General Assembly for the use of the Board.

Section 6. The board shall issue a certificate to practice professional photography to each person applying for such

license before December 31, 1968 who shall present proof satisfactory to the board that he is engaged in the business of professional photography, that he derives a substantial portion of his income from professional photography and that he is a competent photographer.

Section 7. (1) After December 31, 1968, no certificate to practice professional photography shall be issued by the board except upon a successful passage of an examination as prescribed by the board.

(2) Examinations for a certificate to practice professional photography shall be conducted at such times and places as may be fixed by the regulations of the board. Applicants for an examination shall furnish such information as may be required by the board and shall receive from the board due notice of the time and place of the examination.

Section 8. Each application for a certificate to practice professional photography shall be accompanied by a fee of twenty dollars payable to the State Treasurer and shall not be refunded.

Section 9. (1) Each certificate to practice professional photography shall expire on June 30 of each year following the date of issuance unless sooner cancelled or revoked. The certificate must be renewed on or before the expiration date. The fee for a renewal certificate is ten dollars.

(2) The board may suspend a certificate to practice professional photography only for conviction of a violation of this Act.

Section 10. It shall be unlawful after December 31, 1968 for any person to practice professional photography without a certificate issued by the board and anyone convicted of practicing without a certificate shall be fined not less than one hundred dollars or imprisoned for not more than thirty days or both; and in addition, upon conviction the photographer shall be suspended from the profession of professional photography for not less than ninety days nor more than one year.

Section 11. (1) It is unlawful for any person, company, corporation, business, or any of their agents in the practice of professional photography to make any representation or exhibit

any samples which have the capacity or tendency to deceive prospective purchasers in regard to:

(a) the size, quality, finish, workmanship or price of any photographic product or service;

(b) the nature, type or volume of his business;

(c) the status or affiliation of his business, the training, skill, reputation and experience of himself or any of his employes;

(d) the equipment or methods used;

(e) the possible exhibition of photographs proposed to be taken or sold;

(f) a contest of any type or description, which is held in connection with or influenced by the purchase of merchandise or services;

(g) limitations on dates or qualities of purchases, or on the number of prospective purchasers who will be allowed to purchase; and

(h) intimidation of customers by stipulation that said customer must buy a percentage of pictures from proof pictures when said photographer has advertised that free proof pictures are being made at no obligation to the customer.

(2) Any person committing any unlawful trade practices described in this section, is guilty of a misdemeanor and upon conviction shall be fined not less than one hundred nor more than five hundred dollars or imprisoned for not more than thirty days or both; upon conviction the photographer shall be barred from the practice of professional photography in Kentucky for a period of one year from the date of his conviction.

The Committee on Business Organizations and Professions reported **HB 234**, with Committee Amendment No. 2 attached thereto, with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

Committee Amendment No. 2 to **HB 234** is as follows:

Amend printed copy of House Bill 234 on page 1, lines 3 & 5, by:

striking the word "eighty-five" and inserting the word "seventy-five".

## Calendar

**HB 471, HB 373, HB 346, HB 479, HB 477, HB 460, HB 405, HB 404, HB 395, HB 337, HB 400, HB 399, HB 198, HB 334, HB 341, HB 451, HB 397, HB 494, HB 462, HB 459, HB 184, HR 38, HR 52, HR 54, HR 57, HR 64, HR 69, SR 31, SB 86, SB 12, SB 225, SB 180, SR 20, SR 29** and **SB 92** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Senate Message

Announcing passage of **HB 44, HB 90, HB 108, HB 193, SB 46, SB 37, SB 192, SB 203, SB 211, SB 249, SB 261, SB 195, SB 254.**

## Motions, Petitions, and Communications

Representative DeMarcus moved that **HB 251** be given first reading, report of the Committee on Banking and Insurance notwithstanding.

On the roll call the vote was yeas 70—Akers, Alexander, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blume, Bowles, Bruce, Clark, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Denham, Floyd, Halleck, Hardin, Harper, Hoffman, Hopkins, Huff, Hunt, Irick, James, Jones, Justice, Keene, Keith, Kidd, King, Lankford, Lawson, Massey, May, McBrayer, McGill, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, W. J. Reynolds, Richey, Rickert, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Webster, Wesley, Wheeler, White, Wolchik, Wright. Nays 2—Dawhare, Henry.

The motion that **HB 251** be given first reading was adopted.

Representatives Hoffman and Hunt requested that they be granted permission to vote "aye" on the passage of **SB 123.** Agreed.

Representative Justice moved that **HB 216** as amended be taken from the Clerk's desk and placed upon its passage. Agreed.

## First Reading

**HB 251** was read at length for the first time and ordered placed in the Calendar.

**HB 251,** AN ACT relating to disclosure of charges in connection with extension of credit.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 371.210 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 371.210 to 371.330, unless the context otherwise requires:

(1) "Goods" means all tangible chattels personal when purchased primarily for personal, family or household use and not for commercial, industrial or agricultural use, but not including motor vehicles as herein defined, money, things in action or intangible personal property other than merchandise certificates or coupons as herein described. The terms includes such chattels which are furnished or used, at the sale of or subsequently, in the modernization, rehabilitation, repair, alteration, improvement or construction of real property as to become a part thereof whether or not severable therefrom. The term also includes merchandise certificates or coupons, issued by a retail seller, not redeemable in cash and to be used in their face amount in lieu of cash.

(2) "Services" means work, labor or services of any kind when purchased primarily for personal, family or household use and not for commercial or business use, but not including services for which the prices charged are required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer or official of either as in the case of transportation services.

(3) "Motor vehicle" means any automobile, mobile home, motorcycle, truck trailer, semitrailer, truck tractor and bus designed and used primarily to transport persons or property on a public highway, or any vehicle designed to run only on rails or tracks or in the air, excepting however, any boat trailer and any vehicle propelled or drawn exclusively by muscular power.

(4) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished from a retail seller.

(5) "Retail seller" or "seller" means a person regularly and principally engaged in the business of selling goods to retail buyers.

(6) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract or a retail charge agreement, as defined in this section, which provides for a *finance charge* [time price differential] as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments.

(7) "Retail installment contract" means an instrument, other than a retail charge agreement or an instrument reflecting a sale made pursuant thereto, entered into in this state evidencing a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a security agreement, a conditional sale contract and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease.

(8) "Retail charge agreement" means an instrument prescribing the terms of retail installment transactions which may be made thereunder from time to time and under the terms of which a *finance charge* [time price differential,] as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time.

(9) *"Finance Charge"* ["Time price differential"] however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys fees, court costs or official fees.

(10) "Cash sale price" means the price stated in a retail installment contract or in a sales slip or other memorandum furnished by a retail seller to a retail buyer under or in connection with a retail charge agreement, for which the seller would have sold or furnished to the buyer and the buyer would have bought or obtained from the seller the goods or services which are the subject matter of a retail installment transaction, if the sale had been a sale for cash. The cash sale price *shall* [may] include any [taxes and] charges for delivery, installation, servicing, repairs, alterations or improvements.

(11) "Official fees" means the amount of the fees prescribed by law for filing, recording or otherwise perfecting, and releasing or satisfying, a retailed title, lien or other security interest created by a retail installment transaction.

(12) "Time sale price" means the total of the cash sale price of the goods or services and the amount, if any, included for insurance, if a separate identified charge is made therefor, and the official fees and the *finance charge* [time price differential].

(13) "Principal balance" means the cash sale price of the goods or services which are the subject matter of a retail installment contract plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees, less the amount of the buyer's down payment in money or good or both.

(14) "Holder" means the retail seller of the goods or services under the retail installment contract or retail charge agreement or the assignee if the retail installment contract or the retail charge agreement or any indebtedness under either has been sold or otherwise transferred.

(15) "Person" means an individual, partnership, joint venture, corporation, association or any other group, however organized.

(16) Words of the masculine gender include the feminine and the neuter and, when the sense so indicates, words of the neuter gender may refer to any gender.

*(17) "Annual finance charge formula," the method for converting a dollar finance charge into a percentage rate. The formula assumes that (a) all schedule installments of a credit transaction are equal, payable at equal intervals, and fall on due dates which are the same day of each month or other payment period as that on which the agreement is entered into and (b) the debtor makes all payments at the times and in the amounts scheduled. Based upon these assumptions, the "annual finance charge formula" is:*

$$R = \frac{2\ PC}{A\ (N + 1)}$$

*R equals the percentage rate. P equals the number of payment periods in one year (always twelve if monthly payments, four if quarterly payments, and fifty-two if weekly payments). C equals the finance charge. A equals the principal balance to be paid by the debtor. N equals the number of installments. Except as otherwise provided, a variance tolerance of one per cent per annum in the percentage rate is hereby authorized in computations under this formula.*

*(18) "Permitted charges," charges for services, expenses or the like related to a credit transaction, not in excess of amounts permitted by applicable law, if any, which are requested, agreed to or approved by the debtor (a) for official fees or taxes; (b) for insurance; (c) for delinquency or collection or which otherwise arise by reason of action or default of the debtor; (d) in home mortgage credits, customary brokers' fees and reasonable charges incurred for appraisal of the property, examination of title and the marketability of security, drafting of security instruments or documents and other customary closing costs; or (e) which are of value to the debtor separate and apart from the granting of credit, are reasonable in relation to benefits to the debtor and*

*constitute a type of charge or actual charges which have been filed with the commissioner and as to which the commissioner has failed to notify the creditor in writing of objection within sixty days after the filing. If paid, incurred, or financed by the creditor and not otherwise charged to or paid by the debtor, permitted charges may be added to or included in the principal of the debt.*

*(19) "Department" means the Department of Banking and Securities.*

*(20) "Commissioner" means the Commissioner of the Department of Banking and Securities.*

Section 2. Section 371.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each retail installment contract shall be in writing, dated, signed by the retail buyer, and completed as to all essential provisions, except as otherwise provided in KRS 371.250.

(2) The printed or typed portion of the contract, other than instructions for completion, shall be in a size equal to at least eight point type. The contract shall be designated "Retail Installment Contract" and shall contain substantially the following notice printed or typed in a size equal to at least ten-point bold type: "NOTICE TO THE BUYER. DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT OR IF IT CONTAINS BLANK SPACES. YOU ARE ENTITLED TO A COPY OF THE CONTRACT YOU SIGN."

(3) The retail seller shall *furnish to the retail buyer prior to or as a part of the consummation of the transaction* [deliver to the retail buyer, or mail to him at his address shown on the retail installment contract], a copy of the contract as accepted by the seller. Until the seller does so, a buyer, who has not received delivery of the goods or been furnished or rendered the service, shall have the right to rescind his contract and to receive a refund of all payments made and return of all goods *or other consideration* traded in to the seller on account of or in contemplation of the contract, or if such goods cannot be returned, the value thereof. Any acknowledgment by the buyer of delivery

of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

(4) The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or services furnished or rendered or to be furnished or rendered.

(5) The retail installment contract shall contain the following items:

(a) The cash sale price of the good or services;

(b) The amount of the buyer's down payment, identifying the amounts paid in money and allowed for goods traded in;

(c) The difference between items (a) and (b);

(d) The aggregate amount, if any, included for insurance, [if a separate identified charge is made therefor,] specifying the type or types of insurance and the term or terms of coverage;

(e) The aggregate amount of official fees;

*(f) The amount of other permitted charges, if any, added to or included in the principal of the debt with an itemization of each;*

*(g)* [(f)] The principal balance, which is the sum of items (c), (d), (e) and *(f)*;

*(h)* [(g)] The amount of the *finance charge* [time price differential; and];

*(i) The percentage that the finance charge bears to the principal balance, computed in accordance with the annual finance charge formula or a comparable formula approved by the commissioner upon application of a creditor; and*

*(j)* [(h)] The amount of the time balance owed by the buyer to the seller, which is the sum of items *(g)* [(f)] and *(h)* [(g)] and, except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of

each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

The above items need not be stated in the sequence or order set forth; additional items may be included to explain the computations made in determining the amount to be paid by the buyer. *The printed material explaining the percent per annum rate disclosure required by clause (i) shall be printed in twelve point bold face type.*

Section 3. Section 371.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Notwithstanding the provisions of any other law, a retail installment contract payable in substantially equal successive monthly installments beginning one month from the date of the contract may provide for, and the seller or holder may then charge, collect and receive a *finance charge* [time price differential].

(2) Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may prepay in full the unpaid time balance thereof at any time before its final due date and, if he does so, shall receive a refund credit thereon for such prepayment. The amount of such refund credit shall represent at least as great a proportion of the original *finance charge* [time price differential], after deducting therefrom a maximum of ten dollars, as (a) the sum of the monthly unpaid balances under the schedule of payments in the contract beginning as of the date after such prepayment which is the next succeeding monthly anniversary date of the due date of the first installment

under the contract, or, if the prepayment is prior to the due date of the first installment under the contract, then as of the date after such prepayment which is the next succeeding monthly anniversary date of the date of the contract, bears to (b) the sum of all the monthly unpaid balances under the schedule of installment payments in the contract. Where the amount of refund credit is less than one dollar, no refund credit need be made.

Section 4. Section 371.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) If, in a retail installment transaction, a retail buyer makes any subsequent purchases of goods or services from a retail seller from whom he has previously purchased goods or services under one or more retail installment contracts, and the amounts under such previous contract or contracts have not been fully paid, the subsequent purchases may, at the seller's option, be included in and consolidated with one or more of the previous contract or contracts. Each subsequent purchase shall be a separate retail installment contract under KRS 371.210 to 371.330, notwithstanding that the same may be included in and consolidated with one or more of such previous contract or contracts. All the provisions of KRS 371.210 to 371.330 with respect to retail installment contracts shall be applicable to such subsequent purchases except as stated in subsections (2) to (7) of this section.

(2) In the event of such consolidation, in lieu of the buyer's executing a retail installment contract respecting each subsequent purchase, as provided in KRS 371.220 to 371.290, it shall be sufficient if the seller shall prepare a written memorandum of each subsequent purchase, in which case the provisions of subsections (1), (2), (3) and (4) of KRS 371.220 shall not be applicable. Unless previously furnished in writing to the buyer by the seller, by sales slip, memoranda or otherwise, such memorandum shall set forth with respect to each subsequent purchase the following:

(a) The cash sale price of the goods or services;

(b) The amount of the buyer's down payment, identifying the amounts paid in money and allowed for goods traded in;

(c) The difference between items (a) and (b);

(d) The aggregate amount, if any, included for insurance, [if a separate identified charge is made therefor,] specifying the type or types of insurance and the term or terms of coverage;

(e) The aggregate amount of official fees;

*(f) The amount of other permitted charges, if any, added to or included in the principal of the debt with an itemization of each;*

*(g)* [(f)] The principal balance, which is the sum of items *(c)*, [(a)] *(d)*, [(b)] *(e)*, [and (c)], *and (f);*

*(h)* [(g)] The amount [or rate] of the *finance charge* [time price differential];

*(i) The percentage that the finance charge bears to the principal balance, computed in accordance with the annual finance charge formula or a comparable formula approved by the commissioner upon application of a creditor;*

*(j)* [(h)] The amount [or rate] of the time balance owed by the buyer to the seller, which is the sum of items *(g)* [(f)] and *(h)* [(g)];

*(k)* [(i)] The outstanding balance of the previous contract or contracts;

*(l)* [(j)] The consolidated time balance, which is the sum of items *(j)* [(h)] and *(k)* [(i)];

*(m)* [(k)] The revised installments applicable to the consolidated time balance, if any.

The seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment of such consolidated contract.

(3) When such subsequent purchases are made, if the seller has retained title or taken a lien or other security interest in any of the goods purchased under any one of the contracts included in the consolidation;

(4) The entire amount of all payments made prior to such subsequent purchases shall be deemed to have been applied on the previous purchases;

(5) Each payment after such subsequent purchases made on this consolidated contract shall be deemed to have been allocated to all of the various purchases in the same ratio as the original cash sale prices of the various purchases bear to the total of all;

(6) Where the amount of each installment payment is increased in connection with such subsequent purchases, at the sellers' option, the subsequent payments may be deemed to be allocated as follows: an amount equal to the original periodic payment to the previous purchase, the balance to the subsequent purchase. However, the amount of any down payment on the subsequent purchase shall be allocated in its entirety to such subsequent purchase.

(7) The provisions of subsections (3), (4), (5) and (6) of this section shall not apply to cases where such previous and subsequent purchases involve equipment, parts or other goods attached or affixed to goods previously purchased and not fully paid, or to services in connection therewith rendered by the seller at the buyer's request.

*(8) The printed material explaining the per cent per annum rate disclosure required to be given to the debtor by the provisions of clause 2 (i) shall be printed in twelve point bold face type.*

Section 5. Section 371.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each retail charge agreement shall be in writing and signed by the buyer. A copy of any such agreement executed on or after January 1, 1963, shall be delivered or mailed to the buyer by the seller prior to the date on which the first payment is due thereunder. Any acknowledgment by the buyer of delivery of a copy of the agreement contained in the body thereof shall be in a size equal to at least ten point bold type and shall appear directly above the buyer's signature. No agreement executed on or after January 1, 1963, shall be signed by the buyer when it contains blank spaces to be filled in after it has been signed. The buyer's acknowledgment, conforming to the requirements of this subsection of delivery of a copy of an agreement shall be presumptive proof, in any action or proceeding, of such delivery

and that the agreement, when signed, did not contain any blank spaces as provided in KRS 371.210 to 371.330. All retail charge agreements executed on or after January 1, 1963, shall state the maximum [amount or] rate of the *finance charge* [time price differential] to be charged and paid pursuant thereto. Any such agreement shall contain substantially the following notice printed or typed in a size equal to at least ten point bold type: "NOTICE TO THE BUYER – DO NOT SIGN THIS AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS BLANK SPACES. YOU ARE ENTITLED TO A COPY OF THE AGREEMENT YOU SIGN."

(2) The seller shall promptly supply the buyer under the retail charge agreement with a statement as of the end of each monthly period, which need not be a calendar month, or other regular period agreed upon in writing by the seller and the buyer, in which there is any unpaid balance thereunder, which statement shall recite the following:

(a) The unpaid balance under the retail charge agreement at the beginning and at the end of the period;

(b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the cash sale price and the date of each purchase:

(c) The payments made by the buyer to the seller and any other credits to the buyer during the period;

(d) The amount, if any, of any *finance charge* [time price differential] for such period *stated in dollars;* and

(e) A legend to the effect that the buyer may at any time pay his total unpaid balance or any part thereof.

(3) A retail charge agreement may provide for and the seller or holder may then, notwithstanding the provisions of any other law, charge, collect and receive, in addition to the cash price, a *finance charge* [time price differential] for the privilege of paying in installments thereunder.

*(4) There shall appear in twelve point bold face type on the agreement, and every statement of account, a recitation of the simple interest per annum rate that approximates most close-*

*ly any finance charge rate or rates imposed. Such percentage rate shall be computed by multiplying the periodic rate of charge by the number of payment periods in a year.*

Section 6. Section 371.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 371.130, or assents to any such violation shall be fined not less than fifty nor more than two hundred dollars for each offense.

(2) Any person who shall wilfully and intentionally violate any provisions of KRS 371.210 to 371.330 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding five hundred dollars or by imprisonment for not more than six months, or both.

(3) Any person who violates any provision of KRS 371.210 to 371.330 except as a result of an accidental or bona fide error shall be barred from the recovery of any *finance charge* [time price differential], or any delinquency or collection charge under or in connection with the related retail installment contract or retail charge agreement; but the holder may nevertheless recover from the buyer an amount equal to the cash price of the goods or services and the cost to the seller or holder of any insurance included in the transaction.

(4) Notwithstanding the provisions of subsections (2), (3) and (4) of this section, any failure, other than a wilful and intential failure, to comply with any provision of KRS 371.210 to 371.330 may be corrected within ten days after the holder is notified thereof in writing by the buyer and, if so corrected, neither the seller nor the holder is subject to any penalty under subsections (2), (3) and (4) of this section.

Section 7. Section 190.090 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 190.090 to 190.140 unless the context or subject matter otherwise requires:

(1) "Person" means an individual, partnership, corporation, association, and any other group however organized.

(2) "Retail Installment Sale" means any sale for other than business or commercial use evidenced by a retail installment contract wherein retail buyer agrees to buy and retail seller agrees to sell a motor vehicle at a time sale price payable in two or more installments. The cash sale price of the motor vehicle, the amount, if any, included for insurance and other benefits, official fees and the finance charge, shall together constitute the time sale price.

(3) "Retail Installment Contract" means any agreement, entered into in this state, evidencing a retail installment sale of a motor vehicle, other than for the purpose of resale, pursuant to which title to, or a lien upon the motor vehicle is retained by the retail seller as security for the retail buyer's obligation. This term includes a mortgage, conditional sale contract or any contract for the bailment or leasing of a motor vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to the time sale price of the motor vehicle and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of such motor vehicle.

(4) "Motor vehicle" means any device [with a cash sale price of five thousand dollars or less] in, upon, or by which any person or property is, or may be transported or drawn upon a highway. The term does not include self-propelled wheelchairs and invalid tricycles, tractors, power shovels, road machinery, implements of husbandry and other agricultural machinery, or other machinery not designed primarily for highway transportation but which may incidentally transport persons or property on a highway, or devices which move upon or are guided by a track or travel through the air.

(5) "Retail Seller" or "Seller" means a person who sells or agrees to sell a motor vehicle under a retail installment contract to a retail buyer.

(6) "Retail Buyer" or "Buyer" means a person who buys or agrees to buy a motor vehicle from a retail seller not for the purpose of resale and who executes a retail installment contract in connection therewith.

(7) "Sales Finance Company" means a person engaged in the business of creating and holding or purchasing or acquiring retail installment contracts from a retail seller. The term includes *but is not limited to,* a bank, trust company, private banker, industrial bank, investment company or national bank, if so engaged.

(8) "Cash Sale Price" means the price at which the seller would in good faith sell to the buyer, and the buyer would in good faith buy from the seller, the motor vehicle which is the subject matter of the retail installment contract, if such sale were a sale for cash, instead of a retail installment sale. The cash sale price *shall* [may] include any [taxes, registration fees, certificate of title fees,] if any, [license fees,] charges for delivery, servicing, repairing, or improving the motor vehicle, including accessories and their installation.

(9) "Official Fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract.

(10) "Finance Charge" means that part of the time sale price by which it exceeds the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees included in the retail installment sale.

(11) Words in the singular include the plural and vice versa.

*(12) "Annual finance charge formula", the method for converting a dollar finance charge into a percentage rate. The formula assumes that (a) all scheduled installments of a credit transaction are equal, payable at equal intervals, and fall on due dates which are the same day of each month or other payment period as that on which the agreement is entered into and (b) the debtor makes all payments at the times and in the amounts scheduled. Based upon these assumptions, the "annual finance charge formula" is:*

$$R = \frac{2\ PC}{A\ (N + 1)}$$

*R equals the percentage rate. P equals the number of payment periods in one year (always twelve if monthly payments, four if quarterly payments, and fifty-two if weekly payments). C equals the finance charge. A equals the principal balance to be paid by the debtor. N equals the number of installments. Except as otherwise provided, a variance tolerance of one per cent per annum in the percentage rate is hereby authorized in computations under this formula.*

*(13) "Permitted charges", charges for services, expenses or the like related to a credit transaction, not in excess of amounts permitted by applicable law, if any, which are requested, agreed to or approved by the debtor (a) for official fees or taxes; (b) for insurance; (c) for delinquency or collection or which otherwise arise by reason of action or default of the debtor; (d) which are of value to the debtor separate and apart from the granting of credit, are reasonable in relation to benefits to the debtor and constitute a type of charge or actual charges which have been filed with the commissioner and as to which the commissioner has failed to notify the creditor in writing of objections within sixty days after the filing. If paid, incurred, or financed by the creditor and not otherwise charged to or paid by the debtor, permitted charges may be added to or included in the principal of the debt.*

*(14) "Principal balance", the sum of the cash sale price and permitted charges, if any, charged to the buyer, less the amount of the retail buyer's down payment, whether made in money or goods, or partly in money or partly in goods.*

*(15) "Department" means the Department of Banking and Security.*

*(16) "Commissioner" means the Commissioner of the Department of Banking and Security.*

Section 8. Section 190.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Every retail installment contract shall be in writing in at least eight point type, shall contain all the agreements of the parties, shall be signed by the retail buyer, and a copy thereof shall be furnished to such retail buyer *prior to or as*

*a part of the consummation of the transaction* [at the time of the execution of the contract].

(b) No provision of a retail installment contract which purports to provide for the inclusion of title to or a lien upon any goods other than the motor vehicle, accessories and special or auxiliary equipment used in connection therewith which either are the subject of the retail installment sale or are substitution in whole or in part therefor, as security for payment of such time sale price shall be valid or enforceable; but the other provisions of the retail installment contract shall not be affected thereby.

(c) No provisions for confession of judgment, power of attorney therefor, or wage assignment contained in any retail installment contract shall be valid or enforceable.

(d) The holder of a retail installment contract may collect a delinquency and collection charge on each installment in arrears for a period not less than ten days in an amount not in excess of five percent of each installment or five dollars, whichever is the less. In addition to such deliquency and collection charge, the retail intsallment contract may provide for the payment of attorneys' fees not exceeding fifteen percent of the amount due and payable under such contract where such contract is referred to an attorney not a salaried employe of the holder of the contract for collection, plus the court costs.

(e) Unless notice has been given to the retail buyer of actual or intended assignment of a retail installment contract, payment thereunder or tender thereof made by the retail buyer to the last known holder of such contract shall be binding upon all subsequent holders or assignees.

(f) Upon written request from the retail buyer, the holder of the retail installment contract shall give or forward to the retail buyer a written statement of the dates and amounts of payments and the total amount unpaid under such contract. A retail buyer shall be given a written receipt for any payment when made in cash.

(2) The retail installment contract shall contain the following items:

(a) The cash sale price of the motor vehicle which is the subject matter of the retail installment sale;

(b) The amount of the retail buyer's down payment, whether made in money or goods, or partly in money or partly in goods;

(c) The difference between items (a) and (b);

(d) 1. Amount, if any, included for insurance and other benefits;

2. Types of coverage and benefits;

(e) Official fees as defined in KRS 190.090;

*(f) The amount of other permitted charges, if any, added to or included in the principal of the debt with an itemization of each;*

*(g)* [(f)] Principal balance, which is the sum of item (c), item (d), [and] item (e) *and item (f);*

*(h)* [(g)] The amount of the finance charge;

*(i) The percentage that the finance charge bears to the principal balance, computed in accordance with the annual finance charge formula or a formula approved by the commissioner upon application of a creditor;*

*(j)* [(h)] The time balance payable by the retail buyer to the retail seller, the number of installment payments required and the amount of each installment expressed in dollars [or percentages], and date of each payment necessary finally to pay the time balance which is the sum of item *(g)* [(f)] and item *(h)* [(g)]; provided, however, that said items (a) to (h) inclusive need not be stated in the sequence or order set forth above and that additional items may be included which serve to explain the calculations involved in determining the stated time balance to be paid by the retail buyer.

(3) The retail installment contract shall contain a definite statement in twelve point bold type or larger, that the insurance, if any, included in the retail installment sale provides or does not provide coverage for personal liability and property damage caused to others, as the case may be.

(4) The amount, if any, included for insurance, shall not exceed the premiums chargeable in accordance with applicable rate filings made with the Commissioner of Insurance. Every retail seller or sales finance company, if insurance on the motor vehicle is included in a retail installment contract shall within thirty days after execution of the retail installment contract send or cause to be sent to the retail buyer a policy or policies or certificate of insurance, which insurance shall be written by a company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance and the scope of the coverage and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of the insurance. The buyer of a motor vehicle under a retail installment contract shall have the privilege of purchasing such insurance from an agent or broker of his own selection and of selecting an insurance company acceptable to the seller; provided, however, that the inclusion of the insurance premium in the retail installment contract when the buyer selects the agent, broker or company, shall be optional with the seller. If any such policy is cancelled, the unearned insurance premium refund received by the holder of the contract shall be credited to the final maturing installments of the retail installment contract.

(5) Any sales finance company hereunder may purchase or acquire from any retail seller any retail installment contract on such terms and conditions as may be agreed upon between them. No filing of the assignment, no notice to the retail buyer of the assignment, and no requirement that the retail seller shall be deprived of dominion over the payments thereunder or the goods covred thereby if repossessed by the retail seller shall be necessary to the validity of a written assignment of a retail installment contract as against creditors, subsequent purchasers, pledgees, mortgages and lien claimants of the retail seller.

(6) An acknowledgment in the body of the retail installment contract by the retail buyer of the delivery of a copy thereof shall be conclusive proof of delivery in any action or proceeding by or against any assignee of a retail installment contract.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

No retail seller, as defined in KRS 371.210 or KRS 190.090, shall in any advertisement, publication, display, broadcast, solicitation or representation, make any false, misleading or deceptive statement concerning any finance, delinquency, or extension charge, or rate, or the security interest, collateral, terms, or conditions upon which it will make any credit agreement or finance the same. Any advertisement, publication, display, solicitation or representation containing a statement of a rate or rates of a finance charge, with respect to transactions subject to Chapter 371 or Chapter 190 of the Kentucky Revised Statutes, shall be expressed in terms of a simple annual interest rate. The simple annual interest rate shall be computed (a) in the case of a retail installment sale, as defined in KRS 190.090, or in the case of a retail installment transaction, as defined in KRS 371.210, in accordance with the annual finance charge formula; (b) in the case of a retail charge agreement, as defined in KRS 371.210, by multiplying the periodic rate of charge by the number of payment periods in a year; or (c) in either case, by a formula approved by the commissioner upon application by a retail seller.

Section 10. The commissioner may prescribe from time to time such rules and regulations as may be necessary or proper in carrying out the provisions of this Act and of KRS 371.230, 371.240, 371.250, 371.270, 371.280, 371.310, 371.320, 371.330, 190.110, 190.120, 190.130, 190.140 and 190.990 and may provide that any violations thereof shall be punished by such fines, not to exceed five hundred dollars, as he may determine. In prescribing rules and regulations with respect to any particular type of credit transaction, the commissioner shall consider whether in such transactions compliance with the disclosure requirements of this Act is being achieved under any other law.

Section 11. In lieu of the annual finance charge formula required of this Act the commissioner may by regulation prescribe the use of the actuarial method (United States Rule) for converting a dollar finance charge into an annual percentage rate.

Section 12. This Act shall become effective January 1, 1969.

**Motions, Petitions, and Commuications** (Cont.)

**HR 80:** A RESOLUTION inviting Francis J. Beaton, National Commander, Disabled American Veterans, to address the House of Representatives.

WHEREAS, construction of the National Headquarters of the Disabled American Veterans has been recently completed in Cold Spring, Kentucky; and

WHEREAS, Kentuckians everywhere are justly proud to have the national headquarters of such an outstanding organization located within the Commonwealth; and

WHEREAS, the Commonwealth of Kentucky has appropriated $10,000 per annum to assist the Disabled American Veterans in its program of service to veterans; and

WHEREAS, the national leadership of this organization deserves recognition for its high purpose and devotion to the cause of handicapped veterans;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

That the Honorable Francis J. Beaton, National Commander, Disabled American Veterans, be and he hereby is invited to address the House of Representatives on Wednesday, March 6, 1968.

Representative Murphy moved the adoption of **HR 80.** Agreed.

Representative Justice moved that **HB 216** as amended be taken from the Clerk's desk and placed upon its passage. Agreed.

Representative Justice moved the adoption of the following Amendment No. 2 to **HB 216:**

Amend printed copy of House Bill 216 on page 1, line 7, by:

inserting after the word *"peace"* the following: *"in any county except a county containing a city of the first or second class,"*.

Agreed.

On the roll call the vote was yeas 51—Akers, Allen, Ballenger, Blandford, Bleemel, Blume, Bowles, Bruce, Clapp, Clark, Cruse, Dawhare, Floyd, Hampton, Harper, Henry, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Kessinger, Kidd, Lankford, Lassiter, Lawson, Massey, May, McCallum, McGill, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Riddle, Sartin, Saylor, Siemens, Smith, Webster, White, Wolchik, Nays 7—Alexander, Baker, Bamberger, Cox, Denham, Greer, Richey.

**HB 216** as amended was passed and the title agreed to.

Representative Justice moved that the vote by which **HB 216** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker appointed the following Mansion Committee: Representatives Simmons, Denham and Mitchell.

## Orders of the Day

**HB 112** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Hoffman moved the adoption of the following Amendment to **HB 112:**

Amend printed copy of House Bill 112 on page 2, line 16, by:

substituting for the reference "KRS 186.560" the reference "KRS 186.580."

Agreed.

Representative DeMarcus moved that **HB 112** as amended be laid on the table.

On the roll call the vote was yeas 32—Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Cruse, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Greer, Halleck, Harper, Hinkle, Keith, Kessinger, Lassiter, Lawson, Melton, Robert L. Miller, Richey , Riddle, Russell, Sartin, Simmons, Smith, Walters, Wheeler, Wolchik, Wooley, Wright. Nays 37—Blume, Blythe, Bowles, Brown, Bruce, Cox, Curlin, Hardin, Hoffman, Hopkins, Huff, Hunt, Irick, Isler, Justice, Keene, King, Lankford, Louden, May, McBrayer, McGill, Mershon, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, R. Reynolds, W. J. Reynolds, Schmidt, Stuart, Tobin, Webster, Wesley, White.

The motion that **HB 112** as amended be laid on the table was rejected.

Representative Wooley moved that **HB 112** as amended be recommitted to the Committee on Public Utilities and Transportation. Defeated.

On the roll call the vote was yeas 46—Blandford, Blume, Blythe, Bowles, Brown, Clapp, Cox, Curlin, Dawhare, Hampton, Hardin, Henry, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Jones, Justice, Keene, King, Lankford, Louden, Massey, McBrayer, McGill, Mershon, Clarence R. Miller, Mitchell, Morgan, Murphy, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Saylor, Schmidt, Siemens, Stuart, Tobin, Webster, Wesley, White. Nays 40—Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Bleemel, Cruse, J. A. Davis, DeMarcus, Denham, Floyd, Greer, Halleck, Harper, Hinkle, Hoe, Huff, James, Keith, Kessinger, Kidd, Lassiter, Lawson, McNamara, Melton, R. L. Miller, Prather, Riddle, Russell, Sartin, Simmons, Smith, Vanover, Walters, Wells, Wheeler, Wolchik, Wooley, Wright.

**HB 112** as amended was passed and the title agreed to.

Representative Hoffman moved that the vote by which **HB 112** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

### Report on Enrolled Bills

The Committee on Enrollment reported **HB 193, HB 108, HB 44** and **HB 90** had been examined and found correctly en-

rolled. **HB 193, HB 108, HB 44** and **HB 90** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

## Orders of the Day (Cont.)

Representative Morgan moved that consideration of **HR 33,** and **HB 1** be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Morgan moved that consideration of **HB 170** and **HB 315** be deferred and that they retain their positions in Orders of the Day. Agreed.

**HB 388** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative W. F. Davis moved the adoption of the following Amendment to **HB 388:**

Amend printed copy of House Bill 388 on page 2, line 12, by: adding the following:

"In the event poisonous baits are used to control an outbreak of rabies in wildlife such programs shall be under the direction of the State Department of Health. All pet animals in the area shall be quarantined for the duration of the program by action of the local board of health. Such programs shall be regulated to provide: specific identification of bait station locations; daily check of each bait station; and, positive pickup and destruction of all unconsumed baits at the end of the program."

and on page 2, between lines 17 and 18 by adding:

"Section 3. Any person who violates any provision of this act relating to the use of poisons shall be fined not less than fifty dollars, nor more than five hundred dollars, or imprisoned for not less than ten days, nor more than three months, or both."

and by amending the Section number on line 18 to read "Section 4"

Agreed.

On the roll call the vote was yeas 74—Alexander, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Dawhare, Denham, Greer, Hampton, Harper, Hinkle, Hoe, Hoffman, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, McCallum, McGill, McKinney, Melton, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wolchik, Wooley. Nays 0.

**HB 388** as amended was passed and the title agreed to.

Representative W. F. Davis moved that the vote by which **HB 388** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **SB 131** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Murphy moved that **SB 131** be laid on the Clerk's desk. Agreed.

**SB 19** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 75—Alexander, Allen, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Halleck, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keith, Kessinger, Kidd, King, Lassiter, Lawson, Louden, Maddox, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wheeler, White, Wooley. Nays 0.

**SB 19** was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 19** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 106** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 65—Akers, Alexander, Allen, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Cruse, Curlin, Dawhare, Hampton, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, Jones, Justice, Keith, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, McCallum, McKinney, McNamara, Mershon, Clarence R. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, Wolchik, Wooley. Nays 2—Cox, Walters.

**SB 106** was passed and the title agreed to.

**SB 22**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Ray moved the adoption of the Committee Amendment to **SB 22.**

On the roll call the vote was yeas 19—Alexander, Baker, Ballenger, Cox, Curlin, Greer, Hampton, Hoffman, Keith, Massey, Mitchell, Pettit, W. J. Reynolds, Riddle, Russell, Simmons, Stuart, White, Wooley. Nays 43—Akers, Arnett, Bamberger, Bleemel, Blume, Bowles, Bruce, Coffey, Cruse, Denham, Hardin, Harper, Hinkle, Holbrook, Huff, Isler, Justice, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, McBrayer, McKinney, McNamara, Mershon, C. R. Miller, R. L. Miller, Murphy, Peace, Prather, Ray, R. Reynolds, Richey, Sartin, Siemens, Smith, Walters, Webster, Wesley, Wolchik.

The motion to adopt the Committee Amendment to **SB 22** was rejected.

On the roll call the vote was yeas 45—Akers, Allen, Arnett, Bamberger, Bleemel, Blume, Bowles, Bruce, Carroll, Dawhare, Denham, Halleck, Hampton, Hardin, Harper, Hinkle, Holbrook, Huff, Irick, Isler, Justice, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, McBrayer, McGill, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Morgan, Murphy, Ray, Russell Reynolds, Sartin, Saylor, Schmidt, Siemens, Vanover, Walters, Wesley. Nays 26—Alexander, Baker, Ball, Ballenger, Brown, Clapp, Cox, J. A. Davis, W. F. Davis, Greer, Hunt, Jones, Keith, Maddox, Massey, Melton, Mitchell, Peace, Pettit, W. J. Reynolds, Russell, Stuart, Webster, Wells, Wooley, Wright.

**SB 22** was passed and the title agreed to.

Representative Ray moved that the vote by which **SB 22** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that **SB 131** be taken from the Clerk's desk, read for the third time by title only, and placed upon its passage. Agreed by a majority of members elected.

Representative Murphy moved the adoption of the following Amendment to **SB 131:**

Amend printed copy of Senate Bill 131 on page 2, line 12, by:

removing the period after the word *"dispute"* and adding the following: *"during his off-duty hours."*

Agreed.

On the roll call the vote was yeas 71—Akers, Alexander, Arnett, Baker, Bamberger, Blandford, Bleemel, Blume, Blythe, Brown, Bruce, Clapp, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoffman, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, Jones, Justice, Keene, Keith, King, Lankford, Lassiter, Lawson, Louden, Maddox, May, McBrayer, McCallum, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Wal-

ters, Webster, Wheeler, White, Wolchik. Nays 4—Denham, Hoe, Sartin, Wesley.

**SB 131** as amended was passed and the title agreed to.

Representative Murphy moved that the vote by which **SB 131** was passed be reconsidered and said motion be laid on the table. Agreed.

**SB 214,** by way of Committee Substitute, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Morgan moved the adoption of the Committee Substitute to **SB 214.** Agreed.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Clark, Coffey, Cruse, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Holbrook, Hopkins, Huff, Hunt, Irick, Isler, James, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, McGill, McKinney, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Murphy, Peace, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Russell, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, Wright. Nays 4—DeMarcus, Denham, Hoffman, Prather.

**SB 214** as amended was passed and the title agreed to.

Representative Morgan moved that the vote by which **SB 214** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

The Speaker vacated the Chair. Representative McBrayer presiding.

**HB 190** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 68—Akers, Alexander, Allen, Arnett, Baker, Ballenger, Bamberger, Blandford, Bleemel, Blume, Bowles, Brown, Clapp, Clark, Coffey, Cox, Cruse, Curlin, Walter F. Davis, Floyd, Halleck, Hampton, Hardin, Harper, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, Jones Justice, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Massey, McCallum, Mershon, Clarence R. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Ray, Russell Reynolds, W. J. Reynolds, Richey, Saylor, Schmidt, Siemens, Smith, Tobin, Vanover, Walters, Webster, Wells, White, Wolchik, Wooley. Nays 5—Denham, James, R. L. Miller, Russell, Sartin.

**HB 190** was passed and the title agreed to.

Representative Blume moved that the vote by which **HB 190** was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 188** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 69—Akers, Alexander, Ballenger, Bleemel, Blume, Blythe, Bowles, Brown, Bruce, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, DeMarcus, Floyd, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Huff, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McBrayer, McCallum, McNamara, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Peace, Pettit, Ray, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Saylor, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 3—Baker, Bamberger, Russell.

**HB 188** was passed and the title agreed to.

**HB 74** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative James moved the adoption of the following Amendment to **HB 74:**

Amend printed copy of House Bill 74 on page 1, line 2, by:

inserting after the word "payments" the following words: "in whole or in part"

Agreed.

On the roll call the vote was yeas 66—Akers, Alexander, Allen, Arnett, Baker, Blandford, Bleemel, Brown, Bruce, Clapp, Clark, Cox, Cruse, Walter F. Davis, DeMarcus, Denham, Floyd, Greer, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Lawson, Louden, Maddox, McKinney, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Murphy, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Russell, Sartin, Saylor, Simmons, Smith, Tobin, Vanover, Webster, Wells, Wesley, White, Wolchik. Nays 9—Ballenger, Bamberger, Blume, Huff, Peace, Schmidt, Siemens, Walters, Wooley.

**HB 74** as amended was passed and the title agreed to.

Representative Hardin moved that the vote by which **HB 74** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 413** taken from Orders of the Day and ordered read at length for the third time. Representative Hardin moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 79—Akers, Alexander, Allen, Arnett, Baker, Bamberger, Bleemel, Blume, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, Curlin, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Hinkle, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Justice, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Lawson, Louden, Maddox, Massey, May, McCallum, McKinney, McNamara, Melton, Mershon, Robert L. Miller, Mitchell, Murphy, Peace, Pettit, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Russell, Sartin, Saylor,

Schmidt, Siemens, Simmons, Stuart, Tobin, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 0.

**HB 413** was passed and the title agreed to.

Representative Hardin moved that the vote by which **HB 413** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Hardin moved that **HB 365** be taken from Orders of the Day and placed upon its passage. Agreed.

Representative Peace moved that **HB 365** be laid on the Clerk's desk. Agreed.

**HB 237**, with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Baker moved the adoption of the Committee Amendment to **HB 237.**

Representative Lassiter moved that the Committee Amendment to **HB 237** be laid on the table.

On the roll call the vote was yeas 15—Allen, Arnett, Bamberger, Clark, Hopkins, Jones, King, Lassiter, McCallum, Robert L. Miller, Morgan, Prather, Russell Reynolds, Sartin, Tobin. Nays 41—Alexander, Baker, Ball, Ballenger, Blandford, Blume, Blythe, Bowles, Bruce, Clapp, Coffey, Cruse, Curlin, W. F. Davis, Dawhare, Greer, Hardin, Harper, Hinkle, Huff, Irick, Isler, James, Keene, Keith, Kessinger, Lankford, Massey, Pettit, Rattliff, Richey, Saylor, Siemens, Simmons, Smith, Walters, Wells, Wesley, White, Wolchik, Wooley.

The motion that the Committee Amendment to **HB 237** be laid on the table was rejected.

Representative Cox moved that the Amendment to **HB 237** be laid on the Clerk's desk.

On the roll call the vote was yeas 23—Allen, Arnett, Bamberger, Bruce, Clark, Cox, Dawhare, Hoe, Hopkins, Jones, Justice, King, Lassiter, May, McCallum, Robert L. Miller, Prather,

Russell Reynolds, Riddle, Schmidt, Tobin, Walters, Webster. Nays 40—Alexander, Baker, Ballenger, Blume, Blythe, Bowles, Clapp, Coffey, Cruse, Curlin, W. F. Davis, Denham, Greer, Harper, Hinkle, Hoffman, Holbrook, Huff, Isler, Keene, Keith, Kessinger, Kidd, Lankford, Maddox, Massey, McGill, McKinney, Mitchell, Pettit, Rattliff, Ray, W. J. Reynolds, Richey, Russell, Sartin, Wells, Wesley, White, Wooley.

The motion that the Committee Amendment to **HB 237** be laid on the Clerk's desk was rejected.

Representative Baker moved the adoption of the Committee Amendment to **HB 237.**

On the roll call the vote was yeas 40—Alexander, Baker, Ball, Ballenger, Bleemel, Blythe, Bowles, Brown, Clapp, Coffey, Cruse, Curlin, Greer, Harper, Hinkle, Hoffman, Holbrook, Huff, Isler, Keene, Keith, Kessinger, Lankford, Maddox, Massey, McKinney, McNamara, Morgan, Pettit, Rattliff, Richey, Russell, Sartin, Simmons, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 7—Bruce, Clark, Justice, Lassiter, Prather, R. Reynolds, Saylor.

The Committee Amendment to **HB 237** was adopted.

On the roll call the vote was yeas 53—Alexander, Baker, Ball, Ballenger, Bamberger, Bleemel, Blume, Blythe, Bowles, Brown, Clapp, Cruse, Curlin, Walter F. Davis, Denham, Greer, Hardin, Harper, Henry, Hinkle, Hoffman, Hunt, Irick, Isler, James, Keene, Keith, Kessinger, Kidd, Lankford, Massey, McKinney, McNamara, Mershon, Clarence R. Miller, Pettit, Rattliff, W. J. Reynolds, Richey, Russell, Sartin, Saylor, Siemens, Simmons, Stuart, Vanover, Walters, Webster, Wells, Wesley, White, Wolchik, Wooley. Nays 20—Allen, Arnett, Bruce, Clark, Cox, Dawhare, Floyd, Hampton, Hoe, Holbrook, Hopkins, Huff, King, Lassiter, May, Melton, R. L. Miller, Prather, R. Reynolds, Riddle.

**HB 237** as amended was passed and the title agreed to.

Representative Morgan moved that consideration of **HB 227, HB 229** and **HB 410** be deferred and that they retain their positions in Orders of the Day. Agreed.

Representative Morgan moved that **HB 365** be taken from the Clerk's desk, read for the third time by title only, and placed upon its passage. Agreed by a majority of members elected.

Representative Peace moved the adoption of the following Amendment to **HB 365:**

Amend printed copy of House Bill 365 on page 1, line 10, by: inserting after the word *"who"* the word *"knowingly"*.

Agreed.

On the roll call the vote was yeas 65–Akers, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Clark, Coffey, Cox, Curlin, James A. Davis, Walter F. Davis, Dawhare, Floyd, Greer, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Huff, Isler, Jones, Keith, Kessinger, King, Lankford, Lassiter, Louden, Maddox, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Peace, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Saylor, Schmidt, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wooley, Wright. Nays 0.

**HB 365** as amended was passed and the title agreed to.

Representative Peace moved that the vote by which **HB 365** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

**HB 440** taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

On the roll call the vote was yeas 83–Akers, Arnett, Baker, Ball, Ballenger, Bamberger, Blandford, Bleemel, Blythe, Brown, Bruce, Clapp, Clark, Coffey, Cox, Cruse, James A. Davis, Walter F. Davis, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Harper, Henry, Hinkle, Hoe, Hoffman, Holbrook, Hopkins, Hunt, Irick, Isler, James, Jones, Keene, Keith, Kessinger, Kidd, King, Lankford, Lassiter, Louden, Maddox, Massey, May, McCallum, McNamara, Melton, Mershon, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Peace, Pettit, Prather, Rattliff, Ray, Russell Reynolds, W. J. Reynolds, Richey, Riddle, Sartin, Saylor, Schmidt, Siemens, Simmons, Smith, Tobin, Vanover, Walters, Webster, Wells, Wesley, Wheeler, White, Wolchik, Wooley, right. Nays 0.

**HB 440** was passed and the title agreed to.

Representative Denham moved that the vote by which **HB 440** was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that consideration of **HB 243, HB 350, HB 259, HB 269** and **SB 79** be deferred and that they retain their positions in Orders of the Day. Agreed.

**SB 84,** with Committee Amendment attached thereto, taken from Orders of the Day and ordered read at length for the third time. Representative Morgan moved that it be read by title only and placed upon its passage. Agreed by a majority of members elected.

Representative Brown moved the adoption of the Committee Amendment to **SB 84.** Agreed.

On the roll call the vote was yeas 67—Akers, Allen, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Blythe, Bowles, Brown, Bruce, Clapp, Coffey, Cox, Curlin, Dawhare, DeMarcus, Denham, Floyd, Greer, Halleck, Hampton, Hardin, Henry, Hinkle, Hoe, Hoffman, Hopkins, Huff, Hunt, Irick, James, Justice, Keene, Keith, Kessinger, Lankford, Lassiter, Louden, Maddox, Massey, May, McCallum, McKinney, McNamara, Melton, Clarence R. Miller, Robert L. Miller, Mitchell, Morgan, Prather, Rattliff, Russell Reynolds, W. J. Reynolds, Richey, Sartin, Simmons, Smith, Stuart, Tobin, Walters, Webster, Wells, Wesley, Wooley, Wright. Nays 9—Blume, Isler, King, Pettit, Riddle, Saylor, Siemens, Vanover, White.

**SB 84** as amended was passed and the title agreed to.

Representative Brown moved that the vote by which **SB 84** as amended was passed be reconsidered and said motion be laid on the table. Agreed.

Representative Morgan moved that the Rules be suspended for Introduction of Bills and Resolutions. Agreed.

### Introduction of Bills and Resolutions

**HB 549,** by Representative Lassiter: AN ACT relating to firemen in cities o fthe third class.

**HB 550,** by Representative Cox: AN ACT establishing a uniform system of recording, collecting, and publishing criminal justice statistics.

**HB 551,** by Representative Cox: AN ACT relating to rehabilitation for persons injured during course of employment.

**HB 552,** by Representative Morgan: AN ACT relating to clerk's fees for acting as custodian of voting machines.

**HB 553,** by Representative Morgan: AN ACT relating to clerk's fees.

**HB 554,** by Representative Morgan: AN ACT relating to filing financing statements.

**HB 555,** by Representative Stuart: AN ACT relating to termite and pest control.

**HB 556,** by Representatives Cox and Simmons: AN ACT relating to state police.

Representative Morgan moved that the Rules be suspended for Reference of Bills and Resolutions. Agreed.

## Reference of Bills and Resolutions

The Committee on Committees referred the following Bills and Resolutions:

Agriculture and Natural Resources: **HB 541, HB 545, HR 83.**

Appropriations and Revenue: **HB 540, HB 535, HB 543, SB 37.**

Business Organizations and Professions: **HB 539, SB 46, SB 254, SB 261.**

Cities: **HB 549, SB 192, SB 249.**

Education: **HB 544.**

Health and Welfare: **HB 555, SB 211.**

Highways and Traffic Safety: **HB 548.**

Judiciary: **HB 550, SB 195, SB 203.**

Labor and Industry: **HB 536, HB 551.**

Public Utilities and Transportation: **HB 542, HB 546, HB 547.**

State Government: **HB 534, HB 537, HB 538, HB 552, HB 553, HB 554, HB 556, HR 84.**

Representative Morgan moved that the House adjourn until 11:00 a.m., Friday, March 1, 1968.

On the roll call the vote was yeas 8—Arnett, Hunt, Irick, Justice, Kidd, Clarence R. Miller, Tobin, Webster. Nays 0.

The motion to adjourn was adopted.

## FRIDAY, MARCH 1, 1968

## FORTY-EIGHTH LEGISLATIVE DAY

The House was called to order by Speaker Carroll.

Prayer by the Reverend James A. Shepherd of the First Methodist Church, Frankfort.

The roll was called. All present except Representative Walters.

Representative Lankford moved that absent members be granted leave of absence. Agreed.

Representative McNamara moved that the reading of the Journal of February 29, 1968, be dispensed with and the same approved. Agreed.

### Recess

Representative W. J. Reynolds moved that the House recess for ten minutes for Democratic Caucus. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

### Introduction of Bills and Resolutions

**HR 85,** by Representative Murphy: A CONCURRENT RESOLUTION directing the Legislative Research Commission to conduct a comprehensive study relating to possible unconstitutional laws which still appear in the Kentucky Revised Statutes and administrative regulations promulgated pursuant thereto and making recommendations for revising, consolidating or repealing such laws at the earliest possible time.

**HR 86,** by Representatives Denham, Hunt, Holbrook, R. L. Miller, Wolchik, Harper, Coffey, Prather, Johnson, Walters, Dawhare, Bowles, Saylor, Lankford, Halleck, Siemens and McGill: A JOINT RESOLUTION authorizing the Legislative Research Commission to conduct a comprehensive study of the functions of the State Board of Health and to report its findings and recommendations to the 1970 General Assembly.

**HB 557**, by Representative Akers: AN ACT relating to recovery of attorneys' fees.

**HB 558**, by Representative Hinkle: AN ACT requiring instruction on the nature and effect of beverage alcohol in public and private schools.

**HB 559**, by Representative Hinkle: AN ACT relating to education.

**HB 560**, by Representative Hinkle: AN ACT relating to education and the financing thereof.

**HB 561**, by Representative Hinkle: AN ACT relating to the shipping and insurance charges on books adopted for school use.

**HB 562**, by Representative Hinkle: AN ACT relating to education.

**HB 563**, by Representative Hinkle: AN ACT relating to education.

**HB 564**, by Representatives Clapp and Bleemel: AN ACT relating to the agreement on detainers.

**HB 565**, by Representative Isler: AN ACT relating to income tax.

**HB 566**, by Representative Rickert: AN ACT relating to the establishment of a system of mature preserves and registry of natural areas and for the control and management thereof.

**HB 567**, by Representatives Justice and Irick: AN ACT relating to flags for scout troups.

**HB 568**, by Representative Blume: AN ACT relating to revenue and taxation.

**HB 569**, by Representative Curlin: AN ACT relating to limitations of actions.

## Report of Committees

The Committee on Highways and Traffic Safety reported **HR 77** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 77,** A CONCURRENT RESOLUTION requesting study and construction by the Kentucky Department of Highways of a highway to the Pike County Community of Grapevine.

WHEREAS, the construction of Fishtrap Reservoir in Pike County has resulted in the isolation of approximately 4000 residents of the Grapevine Community in Pike County, and

WHEREAS, the construction of six miles of highway would correct this problem of insufficient, inadequate means of transportation into and out of the Community;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Kentucky Department of Highways conduct a study of the problem and make all necessary arrangements for immediate construction of a highway to meet the transportation needs of the Grapevine Community in Pike County.

Section 2. That a copy of this resolution be sent to the Governor of Kentucky, the Commissioner of Highways, and the President of the Fishtrap Reservoir Community Club.

The Committee on Highways and Traffic Safety reported **HB 267,** with Committee Substitute attached thereto, and title amendment to Committee Substitute to **HB 267,** with the expression of opinion that the same should pass. Ordered placed in Orders of the Day.

**Committee Substitute HB 267,** AN ACT providing for payment by Department of Highways for the removal and relocation of facilities owned by a municipality or a municipally-owned utility, or a Water District established pursuant to Chapter 74 of the Kentucky Revised Statutes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read:

(a) As used in this act "Department of Highways" shall be construed to mean the Commonwealth of Kentucky acting by and through its agent, the Department of Highways.

(b) "Utility" as used in this act shall be construed to include any corporation, private, municipal, quasi public, public associations, joint-stock companies, business trusts, district associations or agencies included in the definitions under Section 278.010 of the Kentucky Revised Statutes. Municipalities and agencies thereof and sanitation districts are included whether or not included in Section 278.010 of the Kentucky Revised Statutes.

(c) The term "facility" includes all property, means and instrumentalities owned, operated, leased, licensed, used, furnished or supplied for, by, or in connection with the business of any "utility."

(d) Interstate System as used herein means the National System of Interstate and Defense Highways described in Sub-Section D of Section 103, Title 23, U. S. Code Annotated.

(e) The term cost of removal and relocation of utility facilities as used in this act shall include the entire amount of the cost of removal and relocation of any such facility or facilities after deducting therefrom any increase of the value of the new facility or facilities, and any salvage value derived from the old facility. Stated in a different manner, the Department of Highways shall pay to the owner of any public utility facilities the full amount of the non-betterment cost of the removal and relocation necessitated by the construction of any section or part of the Interstate Highway project.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

When the Department of Highways in order to construct, reconstruct, or relocate or improve any Interstate Highway which requires any facilities of any utility to be relocated or removed, the Department of Highways shall pay to the owner of such facility or facilities the full cost and expense of such removal and relocation including the cost of installing such facilities in a new location or locations, and the cost of any lands or rights or interest in lands and any other rights required to accomplish such

relocation and removal. Said costs shall be ascertained and paid by the Department of Highways as a part of the cost of improving, reconstructing, or constructing such section or part of the Interstate Highway.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

The Act of Congress establishing or authorizing the construction of the Interstate Highway System and the rules, regulations, and restrictions which have been promulgated pursuant to such laws, impose limitations, burdens, and restrictions differentiating Interstate Highway systems from other State Highway construction and from other State and Federal Aid Highways, relocations, and constructions; and the terms and provisions embraced in this Act are therefore limited and restricted to the relocation, improvement, or construction of Interstate Highways.

Title Amendment to Committee Substitute to **HB 267** is as follows:

Amend printed copy of House Committee Sustitute House Bill 267 on page 1 Title line, by:

amending said title to read:

"AN ACT requiring payment by the Department of Highways of the cost of removing and relocating facilities owned by any utility, as defined in this Act, necessitated by the construction of any section or part of the Interstate Highway System as defined in this Act."

The Committee on Appropriations and Revenue reported **HB 253** with Committee Amendment attached thereto, **HB 394** with Committee Amendment attached thereto, **HB 392,** and **HB 496** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 253,** AN ACT appropriating funds for local fire departments.

WHEREAS, the number of local fire departments in the

Commonwealth has grown greatly in recent years and there is therefor a great need for additional funds for this purpose;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

For the purpose of aid to local fire departments there is hereby appropriated to the Department of Public Safety the sum of $200,000 for the fiscal year 1968-69 and a like amount for the fiscal year 1969-70.

Committee Amendment to **HB 253** is as follows:

Amend printed copy of House Bill 253 on page 1, line 3, by: striking "$200,000" and inserting in lieu thereof "$100,000"

and on page 1, line 4, by adding the following at the end of the line:

"This appropriation shall be in addition to the appropriation made in House Bill 400 of this session."

**HB 394,** AN ACT relating to Property Taxes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 132.200 of the Kentucky Revised Statutes is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school or other taxing district in which it has a taxable situs, except the classes of property described in KRS 132.030 and 132.050, and the following classes of property, which shall be subject to taxation for state purposes only:

(1) Farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operation;

(2) Livestock and domestic fowls;

(3) Capital stock of building and loan associations;

(4) Machinery and products in course of manufacture, of

individuals or corporations actually engaged in manufacturing, and their raw material actually on hand at their plant for the purpose of manufacture, *and air and/or water pollution facilities.* Individuals or corporations actually engaged in the printing, publication and distribution of a newspaper or operating a job printing plant shall be deemed to be actually engaged in manufacturing;

(5) Unmanufactured agricultural products (except that the same shall be exempt from taxation for state purposes to the extent of the value, or amount, or any unpaid nonrecourse loan or loans thereon granted by the United States Government or any agency thereof), and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents on each one hundred dollars of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents on each one hundred dollars of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;

(6) Money in hand, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured and shares of stock except that nothing in this section shall forbid local taxation of franchises or corporations or of the shares of banks, trust companies or combined banks and trust companies doing business in this state, or domestic life insurance companies.

Committee Amendment to **HB 394** is as follows:

Amend printed copy of House Bill 394 on page 2, line 4, by: adding after the word *"pollution"* the word *"control"*

**HB 392,** AN ACT relating to the Judiciary, with particular relation to the compensation of its members.

WHEREAS, under Sections 112 and 133 of the Kentucky Constitution the members of the Court of Appeals and Circuit Judges are required to be paid adequate compensation for their

services, which requirement, under the decisions in Wright v. Oates, Ky., 314 S.W. 2d 952, Perkins v. Sims, Ky., 350 S.W. 2d 715, and Matthews v. Allen, Ky., 360 S.W. 2d 135, takes precedence over restrictive provisions of Sections 235 and 246 of the Kentucky Constitution; and

WHEREAS, in the light of compensation standards prevailing for other positions in public service in this state and for judicial positions in other states and in the Federal service of the General Assembly finds that the salaries specified in this Act conform to minimum reasonable requirements of adequacy; and

WHEREAS, it is in the best interests of the public that the holders of judicial offices be paid compensation such as to command the dignity and respect for the offices which are essential to the preservation of our system of government;

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The salary of each Judge of the Court of Appeals, payable out of the State Treasury, shall be $26,000 per annum.

Section 2. The salary of each Commissioner of the Court of Appeals appointed pursuant to KRS 21.150, payable out of the State Treasury, shall be $22,500 per annum.

Section 3. The salary of each Circuit Judge, payable out of the State Treasury, shall be $17,500 per annum. The compensation payable under KRS 21.305 for services as a special commissioner of the Court of Appeals shall be in addition thereto.

Section 4. Sections 64.497 and 64.499 of the Kentucky Revised Statutes are repealed.

Section 5. This Act shall take effect on July 1, 1968.

**HB 496,** AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the purpose of paying certain claims which have been duly audited and approved according to law but which have not been paid because of the

lapsing or insufficiency of former appropriations against which said claims were chargeable.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. There is appropriated out of the General Expenditure Fund in the State Treasury for the purpose of compensating persons and companies herein named for claims which have been duly audited and approved according to law but which have not been paid because of lapsing of former appropriations against which said claims were chargeable, the sum hereinafter specified:

Coo-Par Concrete
Orchard Street
Madison, Indiana ---------- $ 107.79

Ashland Oil and Refining Company
1409 Winchester Avenue
Ashland, Kentucky ---------- $ 1,666.89

Callaghan & Company
6141 North Cicero Avenue
Chicago, Illinois 60646 ---------- $ 400.00

Ditto, Incorporated
6800 McCormick Road
Chicago, Illinois 60645 ---------- $ 308.82

I. B. M. Corporation
2830 Victory Parkway
Cincinnati, Ohio 45206 ---------- $ 701.00

Picker X-Ray Corporation
2828 Highland Avenue
Cincinnati, Ohio ---------- $ 1,135.00

Crown Cork & Seal Company, Inc.
3501 West 31st Street
Chicago, Illinois 60623 ---------- $ 303.37

CIBA Pharmaceutical Company
7530 N. Natchez Avenue
Niles, Illinois 60648 ---------- $ 6.80

Mrs. Ula F. Faust
205 Sioux Trail
Georgetown, Kentucky ---------- $ 361.24

H. O. Porter, Estate
c/o Mrs. H. O. Porter, Extrix.
416 Oak Street
Richmond, Kentucky ---------- $ 91.97

Crate Rice Coal Company
Paintsville, Kentucky ---------- $ 133.17

Winthrop Laboratories
90 Park Avenue
New York, N. Y. 10016 ---------- $ 59.61

I. B. M. Corporation
628 East Main Street
Lexington, Kentucky ---------- $ 162.76

The William F. Gable Co.
1318 11th Avenue
Altoma, Pennsylvania ---------- $ 129.20

George P. Pillings & Son
3451 Walnut Street
Philadelphia, Pennsylvania ---------- $ 705.50

SCM Corporation
729 Lane Allen Road
Lexington, Kentucky ---------- $ 256.27

Karroll's Inc.
32 North State Street
Chicago, Illinois 60602 ---------- $ 934.29

Mr. Mose Hignite, Sheriff
Clay County
Manchester, Kentucky ---------- $ 225.00

Mr. Roscoe Kirk, County Treasurer
Martin County
Inez, Kentucky ---------- $ 2,520.00

| | | |
|---|---|---|
| Mrs. Marie Keene Guthrie, Clerk<br>Nelson Circuit Court<br>Bardstown, Kentucky | $ | 846.00 |
| Mr. M. A. Cadle | $ | 10.00 |
| Mr. Ben Siler | $ | 10.00 |
| Mr. Grant Siler | $ | 10.00 |
| Mr. Everett Rains, Clerk<br>Whitley County Court<br>Williamsburg, Kentucky | $ | 10.00 |
| Mr. Jack Corman, Ex-Sheriff<br>Woodford County<br>Versailles, Kentucky | $ | 49.76 |
| Mr. W. O. Armstrong<br>307 Wilkinson Street<br>Frankfort, Kentucky | $ | 38.62 |
| Royal Crown Bottling Company<br>Whitesburg, Kentucky | $ | 50.40 |
| John Sexton & Company<br>11013 Kenwood Road<br>Cincinnati 42, Ohio | $ | 52.45 |
| Thompson Engineering Company<br>837 Floyd Drive<br>Lexington, Kentucky | $ | 998.86 |
| Standard Oil Company<br>P. O. Box 8038<br>Louisville, Kentucky 40208 | $ | 65.59 |
| The Courier Journal<br>525 West Broadway<br>Louisville, Kentucky 40202 | | 27.00 |
| King's Food Sales<br>119 Winchester Road<br>Lexington, Kentucky | $ | 608.82 |
| G. E. Maier Company<br>824 North Bend Road<br>Cincinnati, Ohio 45224 | $ | .63 |

| | | |
|---|---|---|
| Baumann Paper Company, Inc.<br>416 West Main Street<br>Lexington, Kentucky | $ | 350.20 |
| Mr. George Miller<br>Tompkinsville, Kentucky | $ | 26.00 |
| L. K. Grawemeyer<br>Kentucky State Fair Board<br>Louisville, Kentucky | $ | 810.40 |
| | | $14,173.41 |

Section 2. The persons and companies named above having in good faith furnished services, supplies, and materials enumerated in Section 1 and the Commonwealth having received the benefits of same an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

The Committee on Appropriations and Revenue reported **SB 75** and **HB 374** with the expression of opinion that the same should not pass.

The Committee on Education reported **HB 263, HB 364, HR 70** and **HR 75** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 263,** AN ACT relating to accident prevention in connection with training in vocational, industrial arts, and chemical-physical courses employing machines, machinery and general industrial laboratory equipment in the public school system.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. The State Board of Education shall provide for the promulgation of safety standards for the adequate safe-guarding of machines, machinery and equipment employed in connection with the teaching and training of industrial arts and chemical-physical courses in vocational and industrial arts classrooms or shops and in laboratories in the public school system; and further, shall provide safety standards for the use and opera-

tion of all such machines, machinery and equipment; and further, shall provide that all such machines, machinery and equipment shall at all times be adequately lighted for their safe use; and further prescribe, that proper, quality and otherwise fully adequate protective devices for the eyes, face, hands, and other parts of the person shall be provided; and further, that safety standards shall require that the floors of classrooms, shops and laboratories shall at all times be free and clear of oily substances, rubbish, waste matter and hazardous obstacles.

Section 2. All District Boards of Education, school superintendents, principals, teachers and instructors shall observe and enforce all safety standards issued by the State Board of Education.

Section 3. The State Board of Education shall:

(1) Initiate the promulgation of the required safety standards within a period not in excess of six months following the adoption of this Act and shall complete same for distribution to the District Boards of Education within a period of one year from the adoption of this Act;

(2) Use its full powers and authority to require the District Boards of Education, together with school superintendents and others subject to compliance to faithfully observe and enforce the safety standards;

(3) Maintain a constant review of their safety standards and provide for progressive improvements and additions as experience and demands for the safety of students require; and

(4) Arrange for periodic inspection of all premises and equipment covered by the safety standards.

**HB 364,** AN ACT relating to school services.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Every person employed by the school board of a school district as a full time school bus driver and who is qualified under KRS 186.600 as a school bus driver and who is em-

ployed in no other capacity by that school board shall receive a minimum salary of two hundred dollars per month.

Section 2. Every person employed by the school board of a school district as a full time janitor whose duties include the firing of a stationary boiler and who is employed in no other capacity by that school board shall receive a minimum salary of two hundred dollars per month.

**HR 70,** A CONCURRENT RESOLUTION relating to remedial reading classes in the public schools.

WHEREAS, the teaching of reading is one of the major concerns of elementary education, and

WHEREAS, in spite of a major effort in this area of educational endeavor, there remains a substantial number of "non-readers" or "slow readers," and

WHEREAS, recent research into the problem of reading difficulties has revealed that a large portion of those pupils requiring remedial reading have been handicapped, not by poor teaching or lack of ability, but by a specific perceptual-motor disability (often referred to as Dyslexia) which requires specific diagnosis and remediation, and

WHEREAS, there is no coordinated, state-wide program or plan for attacking this problem,

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Superintendent of Public Instruction is requested to initiate a comprehensive program of inquiry to determine the extent to which Dyslexia is an underlying cause of reading difficulties and to stimulate among the local schools districts an interest in providing necessary programs of instruction to reduce the effects of this deterrent to reading effectiveness.

Section 2. That the Superintendent of Public Instruction shall encourage the teacher training institutions of the State to

give attention to this problem in their teacher training programs at both the pre-service and the in-service levels.

Section 3. That the Superintendent of Public Instruction shall report his findings to the next regular session of the General Assembly together with recommendations for needed legislation in this area of instruction.

Section 4. That the Clerk of the House of Representatives transmit a verified copy of this resolution, on its adoption, to the Superintendent of Public Instruction.

**HR 75,** A CONCURRENT RESOLUTION directing the Legislative Research Commission to make a study of school districts.

WHEREAS, there exists among the citizens of this Commonwealth concern as to the adequacy of the organization of school districts and their administration; and

WHEREAS, it is deemed to be in the public interest that a comprehensive study and report of these subjects be available to this body;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Legislative Research Commission is directed to make a comprehensive study of the organization and administration of school districts in Kentucky.

Section 2. That said study shall place special emphasis upon the areas of the election of members of school boards, their terms, the size and composition of school districts, the manner of merger of school districts, the authority and duties of superintendents of school and the members of school boards, and the administration of the school program in the county and independent school districts.

Section 3. That the Superintendent of Public Instruction of Kentucky, the superintendents of school and the members of local school boards in the respective school districts are directed

to cooperate with the Legislative Research Commission as is necessary in the conduct of this study.

Section 4. That the Legislative Research Commission report its findings from this study to the 1970 General Assembly.

The Committee on Education reported **HB 417, HB 248** and **HB 356** without expression of opinion.

The Committee on Education reported **HB 483** and **HB 383** with the expression of opinion that the same should not pass.

The Committee on Agriculture and Natural Resources reported **HB 541** and **HB 545** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 541,** AN ACT relating to state aid for promotion of the purebred cattle industry.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 246.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in this section, unless the context otherwise requires:

(a) "Department" means the Department of Agriculture.

(b) "Commissioner" means the Commissioner of Agriculture.

(c) "Purebred" means registered by the appropriate association, organization or authority.

(d) Neither "show" or "exhibition" or "show, exhibition and sale" shall include those held as a part of or in connection with any county or other local fair.

(2) [It shall be the duty of] *The* department *shall* [to] aid, encourage, foster and promote the development and the improvement of the purebred cattle industry in Kentucky. To that end, [it shall be the duty of] the department *shall* [to] pro-

mote, [and to] aid and assist in the promotion of annual shows and sales of purebred cattle in Kentucky with the object and purpose of establishing Kentucky as one of the greatest centers in the United States for the breeding, producing, raising, exhibition, showing and sale of purebred cattle. *The General Assembly shall make appropriations from the General Expenditure Fund for each fiscal year to effectuate that purpose.* [and for said purposes there hereby is appropriated out of the General Expenditure Fund to the department th sum of thirty thousand dollars for each of the fiscal years 1962-1963 and 1963-1964.]

(3) From the appropriations made *pursuant to* [in] subsection (2) of this section, six thousand dollars shall be used and applied in each [of said] fiscal year[s] in each of the following events: Not less than four thousand dollars nor more than five thousand dollars shall be used and applied to the payment of premiums for the largest purebred Aberdeen-Angus, purebred Hereford, purebred Shorthorn, purebred Polled Hereford, *purebred Charolaise,* purebred Jersey, purebred Holstein-Freisian, purebred Guernsey, purebred Ayrshire, and purebred Brown Swiss show and sale which may be held in Kentucky in each [of the] fiscal year[s 1962-1963 and 1963-1964] which is open on equal terms and conditions to all breeders in the United States who are [or may be] eligible to enter any of the above shows and sales. The remainder shall be used and applied by the commissioner for appropriate advertising of *the* [such] shows and sales in such livestock journals and other advertising media as the commissioner [in his discretion] may determine.

(4) Any show, exhibition and sale of purebred cattle to be eligible to receive the [aforesaid] appropriations must provide that the entries in all classes *are* [must be] open upon equal terms to the breeders of such cattle in all of the states of the United States, and the Dominion of Canada may be included. The commissioner shall determine with respect to each of the [aforesaid] breeds of cattle which show, exhibition and sale is the largest to be held in Kentucky in each year and, in making *that* [such] determination, he may consider [such] shows, exhibitions and sales *which* [as may] have been held in Kentucky in any previous year and in any previous two-year period.

(5) The remainder of the appropriations made *pursuant to* [in] subsection (2) of this section for each [of said] fiscal year[s] shall be used and applied by the department as follows, to-wit: At least five thousand dollars [of the remainder of said appropriation] shall be used to add premium money otherwise available for shows and exhibitions of purebred dairy cattle to be held in Kentucky at *the* [such] places [as] the commissioner [may] determines; and the remaining balance [thereof] shall be used and applied by the department in advertising and in promoting the [such] purebred dairy cattle shows and exhibitions in such livestock journals and other advertising media as the commissioner [in his discretion] may determine.

(6) No show or exhibition and no show, exhibition and sale of any purebred cattle shall qualify for or be eligible to receive any part of *an* [the] appropriation made *under* [in] this section unless and until there is provided and made available from other sources an amount for premiums equal to or in excess of the respective appropriations made available *pursuant to* [by the provisions of] this section for *the* [such] show or exhibition or show, exhibition and sale, or unless there is provided and made available from some other source an amount for premiums equal to or in excess of the amount which the commissioner may allocate to or for *the* [such] show or exhibition or show, exhibition and sale under the authority vested in him by this section.

**HB 545,** AN ACT relating to land acquisition for use of the Commonwealth, Department of Parks.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 148.021 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Parks shall exercise all administrative functions of the state relating to the operation of state parks, shrines, monuments, and museums except those allocated to the Historical Society.

(2) The department may *request acquisition,* [acquire,] subject to the provisions of KRS Chapters 42, *45,* [and] 56, *and*

*the provisions made in this chapter, of* lands by purchase, lease or otherwise, on which to operate state parks.

(3) The department may improve said parks by constructing and equipping improvements of facilities in said parks.

(4) The department may operate said parks, and fix fees and charges for the use of said parks and the improvements and facilities constructed therein, and provide for the collection of said fees and charges and the proper accounting therefor.

(5) The Department of Parks is authorized to enter into any agreement with the Breaks Interstate Park Commission for the operation of any facilities in the Breaks Interstate Park.

(6) The Department of Parks is authorized to accept, for deposit in a trust and agency fund account in accordance with KRS 45.140, on behalf of the state any grant or contribution, federal or otherwise, to assist in meeting the cost of carrying out the functions assigned to the Department of Parks.

(7) Notwithstanding any provision in KRS Chapter 41, 45, or 47 to the contrary, there may be established separate cash funds and depositories at each state park from which immediate payment of refunds may be made to a patron or guest of such state park of any unearned money advanced or paid by such guest or patron. The department may accept from a guest or patron an amount which includes the fee for the service rendered plus a gratuity for the waitress or other designated person and remit the gratuity directly from the depository or cash fund to the designated recipient thereof. Such funds or depositories shall be governed by regulations established by the Department of Parks and approved by the Department of Finance.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The Department of Parks, may, through its Commissioner, determine the need for lands or waters, or any interest or estate therein, located in Kentucky, having scenic beauty, material or recreational utility, historic interest, natural phenomena or other unusual features which should be acquired, preserved and maintained as a part of the State Park System of Kentucky. If a deter-

mination is made that any such property or interest therein should be acquired for use in the State Park System, the finding of such determination by the Commissioner of Parks shall be conveyed in writing to the Department of Finance. Such written notification shall apprise the Department of Finance of the interest sought to be acquired and shall serve as a request that the Department of Finance proceed, pursuant to the powers vested in the Department of Finance by KRS Chapters 42, 45 and 56, to acquire the property or interest therein sought for use of the Department of Parks.

Section 3. Sections 148.061 and 148.071 of the Kentucky Revised Statutes are repealed.

The Committee on State Government reported **HR 81, HB 537, HB 554, HB 553, HB 552, HB 504, SB 14, HB 454, HB 503, SB 207, HR 62, HR 84, HB 556, HB 517, HB 476, HB 475, HB 474, HB 473, HB 472** and **HB 412** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HR 81,** A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the relationship of the General Assembly to the various news media covering its activities.

WHEREAS, of recent days much has been heard of "upgrading the legislature"; and

WHEREAS, the face presented by the General Assembly to the citizens of the Commonwealth is sometimes obscured, or misunderstood; and

WHEREAS, a close and harmonious relationship with the various news media is vital to the establishment of a true and accurate public idea of the operation, function and method of the General Assembly;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That the Legislative Research Commission be directed to undertake a study of the relationship of the General Assembly to the various news media covering its activities.

Section 2. That such a study shall consider, but not be limited to the investigation of the several avenues open to the General Assembly for bringing itself closer to the people through improved press relations, the need for expanded facilities, the responsibility of the news media for accurate coverage of increasingly complex legislative issues confronting the state in the years ahead, and the responsibilities of the individual legislator for informing his constituents and the public.

Section 3. That the Legislative Research Commission shall be authorized to appoint a committee to advise in the conduct of such investigation, said committee to be composed of interested citizens, legislators and members of the various news media.

Section 4. That the Legislative Research Commission be directed to report its findings and make recommendations based thereon to the 1970 Regular Session of the General Assembly.

**HB 537,** AN ACT to encourage the establishment and maintenance of principal business offices and corporate headquarters in this Commonwealth by fixing competitive rates of ad valorem taxation upon certain intangible personal properties having only a technical taxable situs at offices in Kentucky, and by directing the Legislative Research Commission to study and evaluate the present corporate, business, and taxation laws of Kentucky and make recommendations relating thereto to further the growth and expansion of such facilities in Kentucky.

WHEREAS, the location of new and expanded industrial plants and manufacturing facilities in this Commonwealth has increased at a rapid rate over the past decade; and

WHEREAS, during a comparable period, there has not been a corresponding increase in the establishment and location of principal business offices and corporate headquarters in Kentucky by the several business organizations and corporations locating plants and manufacturing facilities in Kentucky; and

WHEREAS, the growth and expansion of existing principal business offices and corporate headquarters in Kentucky has not kept pace with the growth of industry generally in Kentucky; and

WHEREAS, certain large commercial establishments and corporate business enterprises formerly located in Kentucky have seen fit to remove their principal business offices or corporate headquarters to other States, resulting in the loss of significant employment, economic opportunities and tax revenues in the Commonwealth and its local political subdivisions; and

WHEREAS, these undesirable economic consequences have occurred in part because of certain restrictive, outmoded and obsolete laws relating to the establishment and maintenance of business organizations and corporate enterprises in this Commonwealth, and in part, by reason of the policy heretofore followed in this Commonwealth of assessing and levying burdensome, onerous and inequitable ad valorem property taxes upon certain classes of intangible personal properties having only a technical taxable situs in Kentucky at rates and in amounts substantially in excess of those imposed by sister States competing with Kentucky for increased industrial and business development, and

WHEREAS, the continued industrial and economic progress of this Commonwealth is dependent upon reasonable, just and suitable laws appropriate to the needs of modern business enterprises and corporate organizations, and upon the fair and equitable taxation of intangible personal properties kept and maintained at principal business and corporate offices located in this Commonwealth at rates and in amounts comparable to those levied and imposed by other States; and

WHEREAS, the revenue loss, if any, resulting from the operation of this Act will be more than offset by the establishment of new principal business offices and corporate headquarters in this Commonwealth, by preventing the removal of existing principal business offices and corporate headquarters to other States and by the growth and expansion of such existing facilities in Kentucky.

NOW, THEREFORE,

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 132.020 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* An annual ad valorem tax for state purposes of one and one-half cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and one and one-half cents upon each one hundred dollars of value of all tobacco directed to be assessed for taxation, and, twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, *except as otherwise provided in subsection (2) of this section, and* one and one-half cents upon each one hundred dollars of value of unmanufactured agricultural products, one-tenth of one cent upon each one hundred dollars of value of all farm implements and farm machinery owned by a person actually engaged in farming and used in his farm operations, one-tenth of one cent upon each one hundred dollars of value of all livestock and domestic fowls, and fifteen cents upon each one hundred dollars of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in *subsection (2) of this section and* KRS 132.020, 132.050, 132.200, 136.270, 136.300, 136.320 and other sections providing a different tax rate for particular property.

*(2) Effective on and after January 1, 1968, an annual ad valorem tax for state purposes of one and one-half cents upon each one hundred dollars of value shall be paid upon the following classes of intangible personal properties, when such intangible personal properties have not acquired a taxable situs without this state:*

*(a) Accounts receivable, notes, bonds, credits, non-domestic bank deposits, and any other intangible property rights arising out of or created in the course of regular and continuing business transactions substantially performed outside this state.*

*(b) Patents, trade marks, copyrights and licensing or royalty agreements, relating thereto.*

*(c) Shares of capital stock of any affiliated company as defined in subsection (3) of this section and notes, bonds, accounts receivable and all other intercompany intangible personal property due from such company.*

*(3) "Affiliated company" shall mean a parent corporation or subsidiary corporation, as defined in KRS 141.205 (3), and any corporation principally engaged in business outside the United States in which the owner or the person assessed directly or indirectly owns or controls not less than ten percent of the outsanding voting stock.*

*(4) With respect to the intangible properties taxed pursuant to subsection (2) of this section, no other ad valorem tax shall be levied by the state or any county, city, school or other taxing district on such intangible properties, or directly or indirectly against the owner with respect thereto.*

Section 2. (1) The Legislative Research Commission is authorized and directed to make a comprehensive study and evaluation of the applicable sections of the Constitution of the Commonwealth, the existing statutes and administrative regulations relating to general commercial business enterprises and corporations and their taxation; and to report to the 1970 Regular Session its findings, evaluations, and recommendations as to any amendments, revisions, modifications, or changes thereto which may be necessary, useful or desirable to assist, enhance or encourage corporations to be organized under the laws of Kentucky or to locate principal business offices or corporate headquarters in this Commonwealth.

(2) The Attorney General, the Secretary of State, the State Treasurer, the Department of Commerce, the Department of Revenue, the Department of Finance and all other State agencies having information relating to the organization, regulation, operation or taxation of corporations and business enterprises shall cooperate with and make its records available to the Legislative Research Commission in its conduct of this study.

(3) In the conduct of this study the Legislative Research Commission, in its discretion, is authorized to secure the direct assistance of the Department of Commerce, and to secure such

additional assistance as may be necessary from both private and public institutions of higher learning in the Commonwealth or elsewhere.

(4) The Director of the Legislative Research Commission may also confer, consult and advise with chambers of commerce, industrial foundations, business associations, labor unions and like organizations, both public and private, in the conduct of such study.

(5) The Legislative Research Commission is further authorized to call from time to time, such public hearings or informal conferences of business, agricultural, and labor leaders, public officials, members of the General Assembly and the general public as may appear to the Commission helpful to carry out the purpose of the study.

(6) The study shall include, but shall not be limited to, a comparison of the Kentucky corporation and taxation laws with those of Delaware ,Maryland, Ohio, New Jersey and other states generally recognized as having modern corporation and acceptable statutes and regulations, relating to corporations.

**HB 554,** AN ACT relating to filing financing statements.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 355.9-403 is amended to read as follows:

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security

interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (a) within six months before and sixty days after a stated maturity date of five years or less, and (b) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and date filed and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destory it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) Notwithstanding the provisions of KRS Ch. 64, the uniform fee for filing and indexing an original or a continuation statement shall be *$3.75* [$3.25]. This fee includes the fee for filing and indexing a termination statement and for sending or delivering the terminated instrument and financing statement. The uniform fee for furnishing filing data for an original or a continuation statement shall be *$3.00* [$2.50].

Section 2. Subsection (2) of Section 186.045 of the Kentucky Revised Statutes is amended to read as follows:

(2) (a) Whenever a financing statement required by KRS Chapter 355 relating to any vehicle registered or required

to be registered in Kentucky for use on the highway is presented to a county clerk for filing, such clerk shall also immediately note information required by the department relative thereto on the owner's copy of the registration or transfer receipt issued for the current registration period as noted in subsection (2) of KRS 186.170, which the secured party must obtain and present to the county clerk, along with the financing statement, within ten days after execution of the security agreement. The clerk shall also note such information on the clerk's copy of the registration or transfer receipt maintained in his office in numerical order. The clerk noting the information on the owner's copy of the registration or transfer receipt shall return such receipt to the owner within five days after making such notation. For filing the financing statement, the clerk shall collect a fee of three dollars and *seventy-five* [twenty-five] cents from the secured party and, in addition, for noting the security interest on the required receipts, the clerk shall collect from the secured party a fee of eighty-five cents for each motor vehicle included on the financing statement.

(b) Whenever a financing statement affecting a vehicle is presented to a county clerk for filing in any county other than the one in which the current receipt was issued, the county clerk shall, in addition to the other requirements of this section, mail a notice of the security interest on a form furnished by the department to the clerk of the county in which the current receipt was issued. Upon receipt of said notice, the county clerk shall attach it to the copy of the current receipt on file, maintained in numerical order, in the county clerk's office and note the security interest on the clerk's copy of the receipt.

**HB 553,** AN ACT relating to clerks' fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 64.010 is amended to read:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fees:

| | |
|---|---|
| Issuing summons | $0.70 |
| Each copy thereof | .40 |
| Entering return thereon | .40 |
| Issuing order of attachment | .70 |
| Each copy thereof | .40 |
| Entering return thereon | .40 |
| Issuing order of injunction | .70 |
| Each copy thereof | .40 |
| Entering return thereon | .40 |
| Issuing subpoena | .70 |
| (All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.) | |
| Issuing attachment for a witness | .70 |
| Issuing order of arrest | .70 |
| Each copy thereof | .40 |
| Entering return thereon | .40 |
| Issuing order of delivery | .70 |
| Each copy thereof | .40 |
| Entering return thereon | .40 |
| Issuing each writ of possession | 2.00 |
| Docketing an action, motion or proceeding | .25 |
| Order assigning cases to a division of court | .50 |
| Warning order by clerk | .70 |
| Order of clerk appointing warning order attorney | .70 |
| Issuing a rule | .70 |
| Each copy thereof | .40 |
| Filing return on rule | .40 |
| Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the rule docket | .25 |
| Filing a pleading | .40 |
| Filing each exhibit or other paper not a pleading | .30 |
| Swearing, entering attendance and issuing certificates of attendance of witnesses, each witness | .50 |
| Each commission to take deposition | 1.50 |

| | |
|---|---|
| Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one | .40 |
| Taking a recognizance of a party or witness | .50 |
| Entering or noting of record in order book each order or direction of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or rul- of the court or any other step taken, each | .50 |
| Copy thereof | .50 |
| Attendance in court, other than circuit court, upon each trial of an action, to be charged to each party for each trial | 1.50 |
| Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day | 6.00 |
| Swearing a jury | .75 |
| Entering a judgment (other than equity action) | 1.25 |
| Each copy thereof | .75 |
| Entering or recording a judgment in an equity action, for every ten words | .03 |
| Taxation of costs of each party, to be charged to such party | .75 |
| Each copy of a taxation of costs of each party, if called for | .50 |
| Filing copy of costs taxed in the case file | .40 |
| Issuing an execution, with all endorsements thereon | 1.50 |
| Each copy of an execution with all endorsements thereon | 1.00 |
| Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words | .03 |
| Copying a record for Court of Appeals or other purpose, each ten words | .03 |
| Issuing a supersedas | 1.00 |
| Each copy thereof | .40 |
| Entering return thereon | .40 |
| Filing each transcript on appeal | .40 |

| | | |
|---|---|---|
| Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same | .75 | |
| Copying a pleading or other paper, each ten words | .03 | |
| Indexing in Plaintiff's and Defendant's General Index to suits, each name of parties to an action, to be charged for each listing and once in each case | .30 | |
| Indexing in Defendant's Index of Executions of each name of parties to such execution, to be charged for each listing and for each execution issued | .30 | |
| Indexing in Plaintiff's and Defendant's index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment | .30 | |
| Each order made by the clerk in vacation or made by the clerk when the court is not in vacation | .70 | |
| Each order in the county court | *1.00* | [.60] |
| Each copy thereof when ordered | *1.00* | [.40] |
| Probate of a will and certificate, including all services relating thereto | *2.00* | [1.50] |
| Order granting an administration, or appointing appraisers of estate of any fiduciary | *1.00* | [.75] |
| Taking a bond for any fiduciary | *2.00* | [1.50] |
| Certificate of administration or copy of it | .75 | |
| Issuing a writ of idiocy or lunacy | 1.00 | |
| Recording each inquisition under same | 1.00 | |
| Each copy of such inquisition when ordered | 1.00 | |
| Recording deed of trust or assignment for the benefit of creditors | *3.20* | [2.70] |
| Copy of same when ordered | *1.75* | [1.25] |
| Taking bonds required of the trustee or trustees in such cases, and including all services connected with it | *3.20* | [2.70] |
| Recording inventories required to be filed by the trustees, for every twenty words | .05 | |

| | | |
|---|---|---|
| Each official certificate | 1.50 | |
| Each bond required to be taken or prepared by the clerk | *2.00* | [1.50] |
| Taking a bond where no fee is fixed specially by law | *2.00* | [1.50] |
| Copy of any bond when ordered | *2.00* | [1.50] |
| Recording a bond, each bond | *2.00* | [1.50] |
| Receiving the acknowledgment or proof of any deed, mortgage or agreement, power of attorney, or other written instrument required by law to be done and certifying same | 1.25 | |
| Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof | *.06 with minimum of 2.00* | [.05] |
| Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words | .03, *with minimum of 1.00* | |
| Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed twelve hundred words | *3.00* | [2.50] |
| All over twelve hundred words, every twenty words | .05 | |
| Each additional certificate | .40 | |
| Each additional tract embraced in such deed, except town lots | .40 | |
| Copy of deed and certificate thereon | *3.00* | [2.50] |
| Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services | *2.50* | [2.00] |
| Each copy thereof | *2.00* | [1.50] |

| | | |
|---|---|---|
| Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words | *3.00* | [2.50] |
| All over twelve hundred words, for every twenty words | .05 | |
| Copy of same | *3.00* | [2.50] |
| Noting release of any lien, mortgage or redemption other than a deed or release | .40 | |
| Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien | *1.90* | [1.50] |
| Copying courses and distance of any deed, for each tract when demanded | .40 | |
| Recording plat laid down in the allotment of dower or division of land [for each tract thereof] | *15.00* | [.40] |
| Recording or copying a plat or map of land, [each lot] | *15.00* | [.40] |
| Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident | *15.00* | [6.75] |
| Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city | *15.00* | [6.75] |
| Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not | *1.00* | [.50] |
| Each order appointing a surveyor of road | *1.00* | [.50] |
| Each copy thereof | *1.00* | [.50] |
| (The last two named to be paid out of the county levy.) | | |
| Each order in proceedings for private passways, to be paid by applicant | *1.00* | [.50] |
| Each copy of same, to be paid by applicant when ordered | *1.00* | [.45] |

| | | |
|---|---|---|
| Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy | 2.50 | |
| Copying a surveyor's report, for every twenty words or fraction thereof | .05 | |
| Administering an oath and certificate thereof | *1.00* | [.75] |
| Issuing license for which no other fee is fixed by law | 1.50 | |
| Marriage license, bond, certificate and recording | *3.50* | [3.00] |
| Each order and certificate allowing any claim against the county treasurer or State Treasurer, where the claim exceeds five dollars, to be paid by the claimant | .70 | |
| Recording post notice of an estray, waif-boat or wreck, and advertising same | 1.00 | |
| For filing, indexing and furnishing filing data for for an original or continuation financing statement | *3.00* | [2.50] |
| For filing and indexing a financing termination statement and sending or delivering the original financing statement | .75 | |
| For filing, indexing and furnishing filing data about an assignment of a financing statement | .75 | |
| For filing and noting a statement of release of collateral under a financing statement | .75 | |

**Section 2.** Notwithstanding any provision of the Kentucky Revised Statutes enacted prior to 1968 the county clerk shall receive for the following services the following fees:

---

Corporations

| | |
|---|---|
| Recording articles of incorporation | $3.50 |
| Recording amendment to articles | 3.50 |
| Reduction of corporation capital | 3.50 |
| Articles of incorporation for consolidated corporations | 3.50 |
| Recording statement of intent to dissolve | 2.50 |
| Recording articles of dissolution | 3.50 |
| Amendment of articles of incorporation of co-operative corporation | 3.50 |

| | |
|---|---|
| Recording articles of co-operative livestock protective association | 3.50 |
| Recording articles of religious, charitable, or educational corporation | 3.50 |
| Recording articles or amendments of a rural electric co-operative corporation | 3.50 |
| **Collection of Taxes** | |
| Correcting tax books following equalization (½ county-½ state) per day | 10.00 |
| Recording or release of tax certificate of transfer | 1.00 |
| Payment of certificate of delinquency by other than owner | 1.00 |
| Noting of change of address on certificate of delinquency of owner—if assignment fee not previously paid | 1.00 |
| Collection of certificates of delinquency | 20% |
| Accepting payment from person entitled to pay certificate of delinquency | 1.00 |
| Collection of tax on legal processes and instruments filed | 10% |
| **Miscellaneous Licenses** | |
| Permit to operate place of entertainment—including advertisement | 20.00 |
| Issuance of county alcoholic beverage license | 1.50 |
| Registering chiropodist or podiatrist license | 2.00 |
| Registering medical license | 2.00 |
| Registering dentist license | 2.00 |
| Registering embalmer or funeral director license | 2.00 |
| Registering optometrist license | 2.00 |
| Registering veterinarian license | 2.00 |
| Issuing grain warehouseman license | 2.00 |
| **Miscellaneous Services** | |
| Filing certificate for doing business under assumed name | 2.00 |

---

**HB 552,** AN ACT relating to clerk's fees for acting as custodian of voting machines.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 125.050 of the Kentucky Revised Statutes is amended to read as follows:

*(1)* When voting machines are acquired by any county, they shall be immediately placed in the custody of the county clerk, and shall remain in his custody at all times except when in use at an election or when in the custody of a court or court officer during contest proceedings. The clerk shall see that the machines are properly protected and preserved from damage or unnecessary deterioration, and shall not permit any unauthorized person to tamper with the machines.

*(2) For his services as custodian of voting machines, the county clerk shall be allowed an amount not to exceed $2400 per annum to be paid solely out of the statutory fees received by him during the calendar year.*

*(3) The allowance authorized in subsection (2) of this section shall be considered as operating expenses of the county clerk's office and shall not be considered as part of his compensation.*

**HB 504,** AN ACT relating to the interview of defendants held in custody.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read:

Any attorney-at-law entitled to practice in the courts of the Commonwealth, any minister, or anyone seeking to obtain release for a defendant held in custody in any jail of the Commonwealth shall, upon request, be permitted to interview said defendant privately to ascertain his needs, be they spiritual, legal or pertaining to his release.

**SB 14,** AN ACT relating to property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 392.020 of the Kentucky Revised Statutes is amended to read as follows:

After the death of the husband or wife intestate, *survived by issue, from the existing marriage or any prior marriage,* the

survivor shall have an estate in fee of one-half of the surplus real estate of which the other spouse or anyone for the use of the other spouse, was seized of an estate in fee simple at the time of death; and shall have an estate for his or her life in one-third of any real estate of which the other spouse or anyone for the use of the other spouse, was seized of an estate in fee simple during coverture but not at the time of death, unless the survivor's right to such interest has been barred, forfeited or relinquished. The survivor shall also have an absolute estate in one-half of the surplus personalty left by the decedent.

*After the death of the husband or wife intestate, without issue, from the existing marriage or any prior marriage, the survivor shall have an estate in fee of all of the surplus real estate of which the other spouse or anyone for the use of the other spouse, was seized of an estate in fee simple at the time of death; the survivor shall also have an absolute estate in all of the surplus personalty left by the decedent.* Unless the context otherwise requires, any reference in the statutes of this state to "dower" or "curtesy" shall be deemed to refer to the surviving spouse's interest created by this section.

**HB 454,** AN ACT relating to state printing.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 57.021 of the Kentucky Revised Statutes is amended to read as follows:

In the event that the Commonwealth or any of its agencies has a printing or duplicating plant or letter press, it may print any class of printing described in KRS 57.011 for the use of it or any other state agencies with the approval of the Department of Finance [.] *; provided, however, that the total estimated cost of any printing job handled by state agencies specifically enumerated in KRS 12.020 may not exceed $100.00. Further, no agency specifically enumerated in KRS 12.020 shall be permitted to lease or own printing equipment which is utilized less than sixty-five percent of the normal work period based upon an annual review of utilization by the Department of Finance.* [Such] State owned facilities shall not *be used to* print, under contract

or otherwise, for agencies, persons, entities, or groups or associations outside of state government.

Section 2. Section 57.091 of the Kentucky Revised Statutes is amended to read as follows:

All work under the provisions of KRS 57.011 shall be awarded as provided in KRS Chapter 45, provided, however, that approval by the Governor shall be required for each award of contract. [One or more contracts may be awarded for each class of printing.] *A separate bid may be required for each printing project when the estimated cost exceeds $1,000.00.* The number of contracts [required] *awarded for projects under $1,000.00* shall be as determined by the Department of Finance to be in the interest of the Commonwealth *except that at least five contracts shall be awarded if that number of acceptable bids are received. If a lesser number of acceptable bids are received, then a contract shall be awarded to each bidder.* The determination of content for each award [and the period thereof] shall be made by the Commissioner of Finance. *The period of the contract shall not exceed two years. Delivery requirements shall be explicitly defined.* No contract shall be awarded to a member of the General Assembly or to any officer of the Commonwealth who is in any way interested in any such contract.

**HB 503,** AN ACT providing for the licensing and regulation of insurers, property bondsmen or limited surety agents engaged in the bail bond business for profit.

Section 1. A new section of the Kentucky Revised Statutes is created to read:

The following words when used in this Act shall have meaning respectively ascribed to them in this section:

(1) "Insurer" shall mean any domestic, foreign or alien surety company which has qualified to transact surety business in this state.

(2) "Property bondsman" shall mean any person who pledges property as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other things of value.

(3) "Limited surety agent" shall mean any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and receives or is promised money or other things of value.

Section 2. A new section of the Kentucky Revised Statutes is created to read:

(1) Any insurer, property bondsman or limited surety agent engaged in the bail bond business for profit shall deposit with the treasurer of a city of the first class of the Commonwealth of Kentucky the sum of thirty-five thousand dollars ($35,000.00) in cash before being granted a license by such city to engage in the bail bond business within the corporate limits.

(2) Said deposit shall be deposited by the treasurer in any financial institution providing maximum interest earnings, and such earnings shall be remitted to the original depositor annually.

Section 3. A new section of the Kentucky Revised Statutes is created to read:

(1) If there is a breach of a condition of a bond, in accordance with Rule 4.26, Rules of Criminal Procedure, and the court declares a forfeiture of the bail, such money or monies are to be placed in escrow for a term of one hundred eighty days following such payment.

(2) If, within such time, the defendant is returned to the court of original jurisdiction or is found to be incarcerated elsewhere, the court shall declare the forfeiture to be set aside and all money or monies placed on deposit for such forfeiture shall be returned to the surety.

Section 4. A new section of the Kentucky Revised Statutes is created to read:

(1) The surety on a bail bond shall be notified when the principal waives the preliminary hearing in an inferior court or the court in its reasonable discretion decides that there is probable cause to believe that an offense has been committed, and that the defendant committed it, and the magistrate has held him answerable to the circuit court.

(2) The court shall obtain permission of the surety before discharging the principal to appear in circuit court.

**SB 207,** AN ACT relating to the County Employes Retire ment System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of the Kentucky Revised Statutes is created to read as follows:

In the event a county fiscal court, participating in the County Employes Retirement System in accordance with the provisions of KRS 78.510 to 78.880, establishes a County Police Retirement System in accordance with the provisions of KRS 70.580 to 70.598:

(1) Any member of the County Employes Retirement System who is eligible for membership in the newly created County Police Retirement System shall have the privilege of continuing in membership in the County Employes Retirement System by filing an affidavit of his intention to exercise this privilege within thirty days of the date of the establshment of the County Police Retirement System.

(2) Within ninety days of the establishment of the newly created County Police Retirement System, the Board of Trustees of the County Employes Retirement System shall pay the members of the newly created system the amount of their accumulated employe contributions.

(3) The County Employes Retirement System shall credit to the county fiscal court against the amount due under KRS 78.620 after the date of the establishment of the County Police Retirement System, ninety-eight percent of the employer contributions made to the County Employes Retirement System with respect to the members of the newly created system decreased by the actuarially determined cost to the County Employes Retirement System of payments to retired patrolmen and their beneficiaries and the actuarially determined cost of service as a patrolman of such county previously credited to other members of the County Employes Retirement System.

(4) After the date of establishment of the County Police Retirement System, no person shall receive credit in the County Employes Retirement System for service as a patrolman in a county establishing a County Police Retirement System.

**HR 62,** A CONCURRENT RESOLUTION requesting the University of Kentucky Research Foundation and the University of Kentucky to divest themselves of Maine Chance Farm by sale.

WHEREAS, the University of Kentucky Research Foundation has recently purchased the seven hundred and twenty-one acre MAINE CHANCE FARM for the stated purpose of permitting its use by the University of Kentucky for agricultural research; and

WHEREAS, the University of Kentucky has formally stated that no state tax moneys would be used for such purchase, and that the cost of such purchase would not interfere with the operational or capital programs of the University; and

WHEREAS, the Legislative Audit Committee has conducted an independent investigation of such purchase, and has filed its report with the Legislative Research Commission, which report raises substantial questions of statutory authority and public policy in connection with such purchase; and

WHEREAS, such report concludes that the utilization of its wholly controlled research foundation in connection with such purchase seeks to permit the accumulation and expenditure of such funds in a manner not permitted to the University of Kentucky by the laws of this Commonwealth and further concludes that all of the funds to be used therein are in fact public moneys of the University, the diversion of which towards the purchase of Maine Chance Farm necessarily impairs in some degree the availability of operational and capital funds of the University;

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

That the University of Kentucky Research Foundation, and the University of Kentucky immediately act to divest themselves

of Maine Chance Farm by sale, and that the proceeds from such sale be applied to the discharge of the indebtedness incurred thereon and to the recovery of all public moneys of the University of Kentucky expended in connection with such purchase.

HR 84, A CONCURRENT RESOLUTION creating a Joint Legislative Committee on Un-American Activities.

WHEREAS, this state and this country face grave public danger from enemies both within and without our boundaries, and

WHEREAS, these subversive groups and persons under the color of protection afforded by the Bill of Rights of the United States Constitution seek to destroy us and the ideals for which we fought to preserve and subject us to the domination of foreign powers and ideologies, and

WHEREAS, Kentucky, as one of the laboratories of this great country, may study profitably this problem within its boundaries and enact remedial legislation if facts therefor are made available, and

WHEREAS, necessary and desirable legislation to meet this grave problem and to assist local enforcement officers to be effective must be based on a thorough and impartial investigation by a competent and active legislative committee.

NOW, THEREFORE,

*Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:*

Section 1. That there is hereby created the Joint Legislative Committee on Un-American Activities which Committee shall consist of ten members, five to be appointed by the Speaker of the House of Representatives from the membership of the House and five to be appointed by the President of the Senate from the membership of the Senate which committee shall study, investigate and analyze all facts relating directly or indirectly to the subject expressed in the recitals of this resolution; to the activities of groups and organizations which have as their ob-

jectives, or as part of their objectives, the overthrow of the Commonwealth of Kentucky, or of the United States by force, violence or other unlawful means; to all organizations known to be or suspected of being dominated or controlled by a power seeking to impose a foreign political theory upon the government and people of the United States; to all persons who belong to or are affiliated with such groups or organizations; and to the manner and extent in which such activities affect the safety, welfare and security of this state in National Defense, the functioning of any state agency, unemployment relief and other forms of public assistance, educational institutions in this state including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

Section 2. That the Committee shall have the authority to:

(a) Select a chairman and a vice chairman from its membership; and to employ and fix the compensation of a secretary and such clerical, investigative, expert and technical assistants as it may deem necessary.

(b) Contact and deal with such other agencies, public or private, as it may deem necessary for the rendition and affording of such services, facilities, studies and reports as will best enable the committee to carry out the purposes for which it is created.

(c) Cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution.

(d) Cooperate with and meet with similar committees of other states and of the Federal Government, or representatives thereof, outside of this state, and expenses necssarily incurred in connection therewith by any of the members or staff of the committee, thereunto duly authorized by the chairman, shall constitute a proper charge against the sums allocated to the committee,

(e) Do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform

its duties, and accomplish the objects and purposes of this resolution, and

(f) Adopt and from time to time amend such rules governing its procedure as may appear appropriate.

Section 3. That every department, commission, board, agency, officer and employee of the State Government of Kentucky and of any political subdivision, county, city or public district of or in this state, shall furnish the committee and any subcommittee, upon request, any such information, records and documents as the Committee or subcommittee deems proper for the accomplishment of the purposes for which the committee is created; provided, however, that this provision shall not extend to, nor shall it be construed to make available to the Committee or any subcommittee thereof, any record or other document which under law is made a confidential record.

Section 4. That the Committee shall have the power and authority to hold hearings at any place in Kentucky which meetings may be public or private, to subpoena witnesses, administer oaths, require the production of books and records pertinent to any inquiry before the Committee and to do all other things necessary to accomplish the purposes of this resolution.

Section 5. That the Committee shall have authority to apply to any court of competent jurisdiction for enforcement of any order issued by it for the production of books, records or other documents or to compel the attendance of any witnesses subpoenaed to appear before it and, upon request of the Committee, the Attorney General shall prosecute any witness who is guilty of refusal to testify or who gives false testimony, and persons guilty of false swearing or of giving false testimony shall be punished in accordance with the criminal laws of this state relating to false swearing or perjury, as the case may be, and

Section 6. That the Committee shall submit its findings and recommendations to the General Assembly at each of its regular sessions and at such other times as the Committee may deem necessary and desirable.

Section 7. That the members of the Committee created herein shall serve without compensation but shall receive the same per diem and travel allowance in the performance of their duties as is provided for members of the General Assembly.

Section 8. That the per diem and travel allowance herein authorized and all other expenses incurred by the Committee shall be paid out of funds available to the Legislative Research Commission for expenses of the Interim Committees; provided, however, that the disbursements for all expenses incurred by the Committee, including the payment of per diem and travel allowances for members as herein authorized shall be approved by the chairman of the Commission.

**HB 556**, AN ACT relating to state police.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 16.010 of the Kentucky Revised Statutes is amended to read as follows:

As employed in KRS 16.030 to 16.170, unless the context requires otherwise:

(1) "Department" means the Department of Public Safety;

(2) "Commissioner" means the Commissioner of Public Safety;

(3) "Officer" shall mean any member of the Kentucky State Police who possesses the powers of a peace officer *and the radio dispatchers and radio technicians of the state police except where the use of the powers of a peace officer are applicable;*

(4) "Civilian" means such experts, statisticians, clerks, and other assistants who do not possess the powers of a peace officer;

(5) "Board" means the State Police Personnel Board;

(6) "Division" means the Division of Kentucky State Police;

(7) "Director" means the Director of the Division of Kentucky State Police.

Section 2. Section 16.505 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 16.505 to 16.645, unless the context otherwise requires:

(1) "System" means the State Police Retirement System created by KRS 16.505 to 16.645;

(2) "Board" means the Board of Trustees of the Kentucky Employes Retirement System;

(3) "Employer" or "State Police" means the Division of State Police of the Department of Public Safety, or its successor;

(4) "Current Service" means the number of years and completed months of employment as an employe subsequent to July 1, 1958, for which creditable compensation is paid by the employer;

(5) "Prior Service" means the number of years and completed months of uninterrupted employment as an employe prior to July 1, 1958, *or July 1, 1968 for radio dispatchers and radio technicians,* for which creditable compensation was paid to the employe by the Commonwealth.

(6) "Service" means the total of current service and prior service;

(7) "Beneficiary" means the estate of a member or a person entitled to receive benefits under KRS 16.505 to 16.645;

(8) "Accumulated Contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in KRS 16.505 to 16.645, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(9) "Creditable Compensation" means all salary and wages paid to the employe as a result of services performed for the employer; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(10) "Final Compensation" at any time means the creditable compensation of a member during the five fiscal years he was paid at the highest average monthly rate divided by the number of months of service credit during such five year period multiplied by twelve; such five years may be fractional, and need not be consecutive. In the event the number of months of service credit during such five year period is less than forty-eight, one or more additional fiscal years shall be used;

(11) "Retired Member" means any member entitled to receive benefits under the provisions of KRS 16.505 to 16.645;

(12) "Retirement Allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially Equivalent Benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the board;

(14) "Authorized Leave of Absence" means any time during which a person is absent from employment but retained in the status of an employe in accordance with the personnel policy of the Division of State Police;

(15) "Normal Retirement Date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five on July 1, 1958, it shall mean January 1, 1959;

(16) "Disability Retirement Date" means the first day of the month following six complete months of total and permanent disability or partial disability;

(17) "Dependent Child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen nor married;

(18) "Optional Allowance" means an actuarially equivalent benefit elected by the member in lieu of all other benefits provided by KRS 16.505 to 16.645.

(19) "Vested Amount" at any time after fifty-five means the actuarially determined value at normal retirement dates of benefits otherwise payable beginning on the normal retire-

ment date together with interest thereon compounded at the rate of interest used to determine the amount of interest credited to individual accounts;

(20) "Disability Ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member;

(21) "Act in Line of Duty" means an act occurring or a thing done, which, as determined by the board, was required in the performance of duty.

Section 3. Section 16.515 of the Kentucky Revised Statutes is amended to read as follows:

Beginning on July 1, 1958;

(1) Members of the system established by KRS 16.505 to 16.645 shall have no further right to participate in the Kentucky Employes Retirement System;

(2) The Kentucky Employes Retirement System shall have no liability for any benefits to members of this system;

(3) No contributions to Kentucky Employes Retirement System shall be made with respect to subsequent payrolls, by or in behalf of members of this system;

(4) As soon as practicable, but within three months of July 1, 1958, *or July 1, 1968 in the case of State Police Radio Dispatchers and Radio Technicians,* the Board of Trustees of the Kentucky employes retirement system will establish a separate fund for the system created by KRS 16.505 to 16.645 and will pay to the State Police Retirement System one hundred percent of the amount of accumulated contributions of members whose membership therein is terminated by KRS 16.505 to KRS 16.645, and ninety-eight percent of the amount of contributions of the Department of Public Safety, with respect to such former members.

Section 4. Section 16.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Membership in the system shall consist of all officers of the Kentucky State Police on July 1, 1958, who are entitled

to exercise the powers of peace officers, *and all State Police Radio Dispatchers and Radio Technicians employed prior to July 1, 1968,* and who hold permanent rank in the division of State Police up to and including the rank of Captain, and all persons who become officers subsequent to July 1, 1958, *and all persons who become State Police Radio Dispatchers and Radio Technicians subsequent to July 1, 1968.*

(2) After July 1, 1958, no person who is thirty-one years of age or over shall be eligible to become an employe of the Kentucky State Police, *except State Police Radio Dispatchers and Radio Technicians who become employes prior to July 1, 1968.*

Section 5. Section 16.530 of the Kentucky Revised Statutes is amended to read as follows:

Under such rules and regulations as are adopted by the Board, each employe becoming a member on July 1, 1958 *or July 1, 1968* shall file with the Board, on such forms as the Board may prescribe, a statement of the facts pertaining to his status as a member which shall include a detailed description of all service rendered prior to July 1, 1958, *or prior to July 1, 1968 with respect to the State Police Radio Dispatchers and Radio Technicians.* Until such statement is filed, no member or his beneficiary shall be entitled to receive any benefits under KRS 16.505 to 16.645. As soon as practicable after said statement is filed, the Board shall ascertain the amount of prior service, if any, to which each member is entitled and shall issue to each member a certificate certifying the length of such service rendered by him.

Section 6. Section 16.545 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except for members over age fifty-five on July 1, 1958, who shall not be required to contribute, each member shall, commencing on the date he becomes a member, contribute for each pay period for which he receives compensation, ten percent of his creditable compensation reduced by the Social Security taxes paid for said pay period.

(2) The Commissioner of Finance shall cause to be de-

ducted from the compensation of each member for each and every payroll period subsequent to July 1, 1958, *and beginning July 1, 1968 for State Police Radio Dispatchers and Radio Technicians,* the contributions payable by such member as provided in KRS 16.505 to 16.645.

(3) Deductions from compensation for any period less than a full payroll period for any employe may be omitted if such procedure is authorized by the board.

(4) Every member shall be deemed to consent to deductions made as provided herein; and the payment of salary or compensation less such deduction shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by KRS 16.505 to 16.645.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

**HB 517,** AN ACT relating to the State Police Retirement System.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 16.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Membership in the system shall consist of all officers of the Kentucky State Police on July 1, 1958, who are entitled to exercise the powers of peace officers, and who hold permanent rank in the Division of State Police up to and including the rank of captain, and all persons who become such officers subsequent to July 1, 1958.

*(2) A member with ten or more years of service credit in the State Police Retirement System who accepts regular full-time employment with the Department of Public Safety in a position ordinarily included in the Kentucky Employes Retirement System may, upon the recommendation of the State Police Personnel Board and approval of the Board of Trustees of the Retirement*

*Systems, elect to retain membership in the State Police Retirement System.*

*(3)* [(2)] After July 1, 1958, no person who is age thirty-one or over shall be eligible to become an employe of the Kentucky State Police.

*(4) Reciprocal rights provided for in subsection (2) of this section may be exercised retroactively by a member in service on or after July 1, 1968.*

**HB 476,** AN ACT relating to the pay of jurors.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive *ten* [five] dollars additional for each night they are kept together: *A suitable room shall be provided for the use of the jury on their retirement for deliberation, with suitable furniture, fuel, lights, and stationary. Suitable food and lodging shall be provided, by the sheriff, for the jurors while they are kept together, and the expense thereof paid and deducted from the compensation of the jurors.*

(3) In courts inferior to the circuit court, except in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

**HB 475**, AN ACT relating to Circuit Courts.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. Section 29.065 of Chapter 29 is amended to read as follows:

Each jury commissioner shall receive for his services five dollars per day for the time actually engaged, the claim for which shall be certified by the judge appointing him and paid by *the Circuit Court Clerk from the Jury Funds advanced under KRS 28.180* (the State Treasurer upon the warrant of the Department of Finance). The fiscal court of any county containing a city of the first class may supplement the compensation of the commissioners by allowing and paying to each commissioner such sum as it, acting upon the recommendation of the circuit judges, shall deem proper.

Section 2. Subsection (1) of Section 28.180 of Chapter 28 is amended to read as follows:

(1) Each circuit clerk shall pay to each juror *and each Jury Commissioner* the compensation allowed to him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. He shall take a receipt for each payment made by him showing the date on which payment is made. For the purpose of providing for such payments, the State Treasurer, on direction of the Department of Finance, shall advance to each circuit clerk an imprest fund sufficient for the payments for a term of court or, if the court is one of continuous session, sufficient for the period of service of each grand or petit jury panel, or both, but not to exceed a period of sixty days.

(2) The Circuit Court Clerk shall be allowed five percent

of all funds forwarded to the State Treasury under KRS 28.170, and an amount equal to five percent of the funds disbursed by him to jurors under this section.

**HB 474**, AN ACT relating to the payment of moving costs of residents of land taken.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of Chapter 45 of the Kentucky Revised Statutes is created to read as follows:

As a part of the cost of acquisition of property, the Department of Finance may compensate resident owners or tenants for their reasonable and necessary moving expenses caused by their displacement from real property acquired by the Department of Finance. Relocation payments shall be subject to such rules and regulations as the Commissioner of Finance is hereby authorized to prescribe, and payments shall not exceed two hundred dollars in the case of an individual or family or three thousand dollars in the case of a business concern. In the case of a business concern, the allowable expenses for transportation under this section shall not exceed the cost of moving fifty miles from the point from which such business concern is being displaced. Such rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts, not to exceed two hundred dollars, in lieu of their respective reasonable and necessary moving expenses.

**HB 473**, AN ACT relating to the acquisition, use, control, classification and disposition of real property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 56.463 of the Kentucky Revised Statutes is amended to read as follows:

The Department shall have the power and duty:

(1) To determine the comparative needs and demands of the various state agencies for acquiring real estate and for building projects.

(2) To purchase or otherwise acquire all real property determined to be needed for state use and upon the approval of the Commissioner of Finance as to the determination of need and as to the action of purchase or other acquisition, except as provided in KRS Chapter 175, 176, 177, and 180. All such acquisitions of real property or interests therein shall be made in accordance with KRS 45.360.

(3) To sell or otherwise dispose of all property, including any interest in real property, of the state that is not needed or has become unsuitable for public use or would be more suitable consistent with the public interest for some other use as determined by the Commissioner of Finance. All such sales or other disposition shall be made in accordance with KRS 45.360.

(4) (a) To control the use of any real property owned or otherwise held by the Commonwealth, or any state agency, and to determine for what periods of time and for what purposes any state agency may use the same, including the agency for whose use it was initially acquired or improved, and to determine what appropriate uses shall be made of such real property during periods that the department finds the same is not required for the purposes of any particular state agency.

(4) (b) To determine the housing and furnishings needs of the various state agencies located in Frankfort and to establish and put into effect a permanent program for housing them. The department is also authorized and directed to allocate office space and furnishings in existing public buildings located in Frankfort according to the needs of the various agencies and when necessary to provide additional office space and furnishings in Frankfort under any building program the department deems most advisable and economical for the state. The permanent housing program shall include provisions for housing the General Assembly and its related agencies, including the Legislative Research Commission, the Executive Offices, the Court of Appeals and the Clerk of the Court of Appeals, the Department of Law and the Law Library, in the New State Capitol. If there be any additional space in the Capitol, it shall be assigned to agencies whose activities are most closely related to the agencies directed to be located permanently in the Capitol.

(4) (c) *To carry out its responsibilities in 4 (a) and 4 (b) above and in Chapters 42 and 45 of the Kentucky Revised Statutes, the department may classify according to its use or condition any real property owned or otherwise held by the Commonwealth or any state agency, including the agency for whose use such property was initially acquired or improved, and establish and collect rentals therefor. The department shall determine the rate of such rentals with reference to the classification of the space involved, the operating and maintenance costs thereof, and such other factors as the department deems appropriate, and, in the case of buildings financed through the issuance of revenue bonds, the debt requirements of the particular buildings. Provided however that the rental rate for each space classification shall be applied as uniformly to the various state agencies which might be affected as is practicable, except that the rate charged agencies occupying buildings previously financed through the issuance of revenue bonds shall be set at a rate not less than the amount required by the terms of the resolutions and trust indentures pursuant to which such bonds were issued until all such bonds have been redeemed or refunded. The department shall collect and may apply the rentals to the extent not inconsistent with the obligations and covenants of resolutions and trust indentures pursuant to which bonds have previously been issued and are outstanding, in the manner set forth in KRS 56.527, or for the operation and maintenance of the said buildings.*

(5) To acquire, by condemnation in any manner provided in KRS Chapter 416, or KRS 177.081 to 177.089, any real estate necessary for use by the state or by any state agency, when the department is unable to agree with the owner thereof on a price for such real estate.

(6) To lease any real property, or any interest in such real property, owned by the state or any agency thereof, in accordance with KRS 45.360.

(7) To provide for and adopt such plans and specifications as may be necessary, to advertise for and receive bids for any expenditures proposed to be made, to award contracts for the purpose authorized, to supervise construction and make such

changes and revisions in plans and specifications or in construction as may become necessary, and generally to do any and all other things as may be necessary or expedient in order to effectively fulfill and carry out the purposes of this chapter, including the right to employ such clerks, engineers, statisticians, architects or other persons required to be employed in order to fulfill the functions of the Commonwealth relating to state property and buildings provided in KRS 56.450 to 56.550.

(8) To adopt such rules and regulations as may be necessary to govern the acquisition, control, and disposition of the real property to which this section is applicable.

**HB 472,** AN ACT relating to standards of conduct for public officers and employes and persons with whom they deal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

It is hereby declared to be the policy of the Commonwealth that no public officer or employe, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest and that no person shall solicit a public officer or employe to do any act or hold any status that constitutes a conflict of interest. To implement such policy and to strengthen the faith and confidence of the people of Kentucky in their government, there is herein enacted a code of ethics setting forth standards of conduct to be observed by public officers and employes and by persons dealing with them in the performance of their official duties. It is the intent of the General Assembly that this code shall serve not only as a guide for official conduct of the state's public servants and by those who deal with them but also as a basis for discipline of those who violate the provisions of this Act.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

In this Act, unless the context otherwise requires:

(1) "State officer" means an officer in any of the three branches of government elected or appointed to a statewide office of state government and includes the persons referred to in paragraphs (c), (d), (e), (f), (g), and (h) of subsection (1) of KRS 18.140, and in KRS 21.350 and 21.365, members of the Boards of Trustees and Regents of the state universities and colleges and the presidents thereof, but does not include United States Senators or Representatives or presidential electors;

(2) "State employe" means a person employed in any of the three branches of state government including agencies and instrumentalities thereof whose compensation is paid from the State Treasury;

(3) "Local officer" means an elected officer in any of the three branches of government of a county, municipal corporation, school district or any other political subdivision of the state;

(4) "Local employe" means any employe in any of the three branches of government of a county, municipal corporation, school district, or other political subdivision, including instrumentalities of the foregoing, and instrumentalities of local units of government acting jointly, who is eligible or potentially eligible for social security under KRS 61.410 to 61.500 or who is eligible to participate in teachers retirement under (4) (a) of KRS 161.220, and who is not a local officer under the preceding paragraph;

(5) "Public officer or employe" includes all of the foregoing;

(6) "Governmental agency" includes any organization or arrangement, existing pursuant to recognized Kentucky law, by or through which governmental powers and duties in any of the three branches of government are exercised over the Commonwealth of Kentucky or any part or aspect thereof, and includes any department of state government, and any division, board, bureau, commission or other instrumentality within such department and any independent state authority, commission, university, college, instrumentality or agency and also includes any city, county, school district and any other authority or political subdivisions of the state which exercises less than state-

wide jurisdiction, including all branches and instrumentalities of any of the local governments and any instrumentality of local governments acting jointly;

(7) "Controlling interest" means ownership, directly or indirectly, of five per cent or more of the outstanding capital stock in any corporation or a direct or indirect interest of five per cent or more in a firm, partnership, or other business entity.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No public officer or employe shall accept any gift, favor, or service that might reasonably tend improperly to influence him in the discharge of his official duties, and no person whether acting as principal or agent shall give or attempt to give any such gift, favor or service of a value of $25 or more.

(2) If a public officer or employe is an officer, director, agent, or member of, or owns a controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has business commitments from any governmental agency at the level at which he is a public officer or employe, he shall file a sworn statement with the Secretary of State disclosing such interest.

(3) No public officer or employe shall use, or attempt to use, his official position to secure special privileges or exemptions, including any licenses to engage in any business for which a license is required by law, for himself or others, except as may be otherwise provided by law, and no other public officer or employe shall offer any such privileges or exemptions.

(4) No public officer or employe shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position, and no person whether acting as principal or agent shall offer any such employment or business opportunity.

(5) No public officer or employe shall disclose confidential information gained by reason of his official position, nor

shall he otherwise use such information for his personal gain or benefit.

(6) No public officer or employe shall accept other employment either at the time he is a public officer or employe or later which might impair his independence or judgment in the performance of his public duties, and no person, including another public officer or employe, whether acting as principal or agent shall offer such employment.

(7) No public officer or employe shall receive any compensation for his services as a public officer or employe from any source other than the public treasury except as may be otherwise provided by law, and no person whether acting as principal or agent shall offer or attempt to pay any such compensation.

(8) No public officer or employe shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the government at the level at which he is an officer or employe for the purchase by the government of an interest in real property or of any goods or services. This subsection shall not apply to an appearance before a court, or an appearance before an agency which is not otherwise forbidden by this Act, except that negotiations shall be prohibited as aforesaid at any time.

(9) No public officer or employe may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employe may be called upon to act or vote. No public officer or employe may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employe may be called upon to act or vote. Nor may any such public officer take, solicit or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes

of this subsection the holding of less than five percent of the stock of a corporation is not considered an interest.

(10) No member of the General Assembly may accept any appointment as an officer or employe of the Commonwealth or any agency unless he shall have first resigned his membership in the General Assembly, and it shall be unlawful for the State Treasurer to pay any salary by reason of such appointment until the resignation has been accepted by the officer having a duty to call a special election to fill the particular vacancy thereby created in the General Assembly.

(11) No public officer or employe shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than five per cent of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract, agreement, sale or purchase of the value of twenty-five dollars or more, made, entered into, awarded or granted by any governmental agency at the level at which he is an officer or employe, unless such contract, agreement, sale or purchase was made or let after public notice and competitive bidding.

Section 4. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No public officer or employe shall transact any business, or act as officer or agent for any governmental agency in the transaction of any business with himself or with any corporation, company, association or firm in which he or his spouse has a controlling interest.

(2) No public officer or employe shall have personal investments in any enterprise which will create a conflict between his private interests and the public interest.

(3) No public officer or employe nor any firm, association, corporation or other business entity in which he is a member, director, agent or officer, or in which he owns a controlling interest, shall sell goods or services to any person, firm, association or corporation which is licensed by or regulated in any manner by the governmental agency in which such officer or employe

serves, and no such licensed or regulated person, firm, association, or corporation shall purchase or offer or attempt to purchase any such goods or services.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

When any public officer or employe is in doubt as to the application of this Act as to himself, he may submit to the Attorney General a full written statement of the facts and questions he has. The Attorney General may then render an opinion to such person and shall publish these opinions without use of the name of the person advised unless such person requests the use of his name.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

It is not the intent of this Act nor shall it be construed to prevent any public officer or employe from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by such officer or employe of his duties to the Commonwealth of Kentucky, or the local governmental agency of which he is an officer or employe.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

Violation of any provision of this Act shall constitute grounds for dismissal from employment, or removal from office, or other penalty as provided by law.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Complaints concerning the violation of any provision of this Act by an elected state officer or by a local officer shall be filed with the Speaker of the House of Representatives of the General Assembly. The Speaker shall refer the complaint to an appropriate committee which shall be governed by the rules of the house concerning impeachment.

(2) Complaints concerning the violation of any provision of this Act by an appointed state officer shall be referred to the Governor.

(3) Complaints concerning the violation of this Act by a city employe shall be reported to the mayor. Complaints regarding the violation of this Act by any other local employe shall be reported to the county judge.

(4) Complaints concerning the violation of any provision of this Act by an employe of any of the three branches of state government shall be filed with the head of the agency.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) (a) "Hearing officer" as used in this section means the officer with whom a complaint is directed to be filed by subsections (2), (3) and (4) of Section 8 of this Act, and in the case of a complaint under subsection (2) may include an officer designated by the Governor.

(b) When a formal complaint verified by affidavit is filed with the hearing officer by a responsible citizen or organization, containing allegations setting forth with reasonable particularity the facts constituting an alleged offense that if true would warrant dismissal from employment under this Act, the hearing officer shall proceed against the accused within three months.

(2) A written notice stating grounds for possible dismissal from employment, setting forth with reasonable particularity the facts constituting the alleged offense and the time and place of the hearing before the hearing officer on the charges, shall be served on the accused not less than twenty days prior to the date of the hearing either personally or by mailing a copy thereof by registered mail to the address of the accused.

(3) The hearing officer may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proof and receive exhibits in evidence. In case of disobedience to a subpoena the hearing officer may invoke the aid of the circuit court. Any order or subpoena of such court requiring the attendance and testimony

of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

(4) At the hearing the accused may appear in person or by counsel, produce evidence and witnesses on his own behalf, cross-examine witnesses, and examine such evidence and documents as may be produced against him. The accused shall be entitled, on application to the hearing officer, to the issuance of subpoenas to compel the attendance of witnesses on his behalf. The hearing officer may also be represented by counsel.

(5) The hearing officer shall not be bound by technical rules of evidence, but the order of the hearing officer shall be based on competent evidence.

(6) A stenographic record of the proceedings shall be kept, but it shall not be necessary to transcribe shorthand notes unless an appeal is taken from the order.

(7) The hearing officer's order shall be in writing and shall be accompanied by findings of fact and conclusions of law.

(8) A copy of an order dismissing the accused from employment shall be served upon the accused by registered mail immediately.

(9) Any person who is dismissed from employment may appeal from the order of dismissal by filing in circuit court a petition for appeal and a copy of the order of the agency head within sixty days of the date of entry of the order. In case of a hearing involving a state officer or employe, the appeal shall be taken to Franklin Circuit Court; from a hearing involving a local employe the appeal shall be taken to the circuit court of the district in which the unit of local government is located. He shall make bond for costs. The petition for appeal shall set forth with particularity the grounds upon which the appeal is taken. The appellant shall cause a copy of the petition for appeal to be served upon the hearing officer.

(10) Within thirty days after service of notice of appeal, or within such further time as the court may allow, the hearing officer shall file in the circuit court the original or a certified

copy of the entire record of the proceeding under review; but, by stipulation of the parties, the record may be shortened.

(11) The filing of the petition for appeal shall not stay enforcement of the order; but upon motion of appellant the circuit court, in its discretion, may order a stay pending decision of the appeal.

(12) The circuit court shall set the case for hearing without a jury and dispose of the appeal in a summary manner, being confined to the record made before the hearing officer except that new evidence may be introduced as to fraud. The court may hear oral arguments and receive written briefs. The court may affirm or set aside the hearing officer's order, or may remand the case to the hearing officer for further evidence, but shall be limited in making its decision to determining whether or not:

(a) There is any substantial evidence to support the order; or

(b) The hearing officer acted without or in excess of his powers; or

(c) The order appealed from was procured by fraud.

(13) Any aggrieved party may secure a review of an adverse judgment of the circuit court under this Act by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided in the Rules of Civil Procedure.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

Any person not a public officer or employee who violates any of the provisions of this Act shall be confined in the penitentiary for from one to five years or fined up to $10,000, or both.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) In addition to all other penalties provided by this Act, there is imposed a civil liability, joint and several, on the public officer or employe and the person or corporation with whom he deals either as principal or agent for three times the total amount

of the transaction for violation of subsection (1), (4), (6) or (7) of Section 3 of this Act or subsections (1) or (3) of Section 4 of this Act.

(2) Jurisdiction of an action under this section is in circuit court.

(3) All amounts recovered under this section shall be paid into the General Fund of the State Treasury.

(4) Verdict in an action under this section is based on a preponderance of the evidence; however, the plaintiff may sustain the burden of proof as to the amount involved by showing the fact of the transaction and an increase in the net worth of the defendant public officer or employe or anyone in his immediate family.

Section 12. KRS 61.092, 61.094, and 61.096 are repealed.

**HB 412**, AN ACT relating to criminal law.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 432.540, 433.250, 433.420, 433.510, 433.790, 433.820, 433.830, 433.840, 433.850, 434.100, 434.420, 434.430, 434.450, 434.460, 434.480, 435.210, 436.130, 436.140, 437.080, 437.090, 437.100, 438.020, and 438.080 are repealed.

The Committee on Labor and Industry reported **HB 264** with Committee Amendment attached thereto, and **HB 30** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 264**, AN ACT relating to collective bargaining for public employes.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. This Act shall be known as the Public Employes Collective Bargaining Act.

Section 2. In enacting this Act it is the intention of the General Assembly to promote the practice and procedures of collective bargaining for all public bodies, agencies and institutions in this state and the representation by public employes in the collective bargaining process through their duly chosen representatives.

Section 3. As used in this Act, unless the context otherwise requires:

(1) "Commissioner" means the Commissioner of Labor of the Commonwealth of Kentucky.

(2) "Employer" means the Commonwealth of Kentucky, the various counties, cities, school districts, road districts, water districts, fire protection districts, drainage districts, sanitation districts, sewer districts, housing authorities, zoning commissioners, joint city-county agencies, and other public special districts authorities, commissions and boards, and all other political corporations or subdivisions of the Commonwealth of Kentucky now or hereafter created, whether herein specifically mentioned or not, and includes any person acting as an agent of an employer within this definition.

(3) "Employe" means any employe of an employer.

(4) "Labor Organization" means any organization, or labor union, craft union, or any voluntary unincorporated association designed, in whole or in part, to represent employes and which is constituted for the purpose, in whole or in part, of collective bargaining and of dealing with employers, concerning grievances, wages, hours and other terms, or conditions of employment, or for other mutual aid or protection of its members in connection with their employment.

(5) "Person" includes one or more individuals, partnerships, associations or organizations, corporations, legal representatives, or any other agents for legal entities.

Section 4. Employes have the right to self-organization to form, join or assist labor organizations; to bargain collectively through representatives of their own choosing over questions concerning wages, hours and other terms and conditions of em-

ployment; to engage in other forms of concerted activities for the purpose of collective bargaining or for their mutual aid or protection; and also have the right to refrain from any or all of such activities, except as any of these rights may be specifically limited or modified by other provisions of this Act.

Section 5. Employers, employes and all persons are prohibited from:

(1) Interfering with, restraining or coercing any employe or person in the exercise of rights provided in Section 4 above.

(2) Encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, transfers, promotions, tenure or other terms or conditions of employment.

(3) Discriminating against an employe or any person in regard to hiring, transfer, promotion, tenure or other terms or conditions of employment because such employe or person has given testimony or information in any hearing or conference relating to any matter presented or arising under this Act.

Section 6. The procedures to be followed for a labor organization to be certified as the representative of employes shall be as follows:

(1) In order to insure the full exercise of the rights granted to employes, the commissioner may resolve questions concerning employe representation by a labor organization by conducting a secret-ballot election designed to ascertain the free choice of employes when petitioned to do so by the employer and at least one labor organization. Where the majority of the employes participating in an election vote to designate a labor organization as their representative, that labor organization may be certified by the Commissioner as the exclusive bargaining representative for the employes in the grouping or unit designated by the Director pursuant to the terms of subsection (2) of this section.

(2) Prior to any secret-ballot election conducted by the Commissioner under this Act, the Commissioner may decide in each instance which employe grouping or unit, including without limitation one or more departments, or any subdivisions or classi-

fications thereof, will assure to employes the fullest freedom in exercising the rights herein granted consistent with the efficient operations of the public service and to designate such grouping or unit as appropriate for the purposes of collective bargaining; and, the commissioner may not order an election, as provided in this Section, among employes in a single craft grouping or unit except on separate petition to the Commissioner initiating representation proceedings in such craft grouping or unit, but when such petition is presented to him, if it contains the signature of the majority of those in the proposed single craft unit, he may designate a unit consisting of that single craft.

(3) The Commissioner may make and issue an official report of the results of any election conducted pursuant to the provisions of this Section and, where appropriate, certify the labor organization receiving the majority of votes cast in the election as the exclusive bargaining representative for the grouping or unit of employes as designated by the Commissioner, such certification to remain in effect for a period of not less than two years from its date, and thereafter until such time as it is determined that the certified representative does not represent a majority of the employes in the appropriate unit.

Section 8. Upon the completion of negotiations with a labor organization representing a majority of the employes in a collective bargaining unit, if a settlement of the negotiations is reached, the employer and labor organization may reduce the same to writing, in the form of a collective bargaining contract.

Section 9. The procedure which shall be followed in the event of a deadlock in negotiations between the parties shall be as follows:

(1) If after a reasonable period, but in no event less than 30 days, of negotiations over the terms of a new collective bargaining agreement or modifications in an existing agreement the parties to the negotiations are deadlocked, either party or the parties jointly may petition the Commissioner, by registered mail, to initiate fact finding.

(2) Upon receipt of a petition to initiate fact finding, the Commissioner may cause an investigation to determine

whether or not the parties are deadlocked in their negotiations. During the course of this investigation, the Commissioner is empowered to utilize his offices in an effort to effectuate a settlement between the parties through mediation and conciliation.

(3) Upon completion of the Commissioner's investigation, and if a settlement between the parties has still not been reached, the Commissioner may appoint a qualified and disinterested person as the impartial chairman of a three man panel to function as the fact finders. In addition to the impartial chairman, the other two members of the panel shall be one member named by the labor organization and one by the employer, parties to the deadlocked negotiations.

(4) Upon consultation with the other members of the panel, the impartial chairman may establish dates and places for public hearings. Wherever feasible, public hearings shall be held within the jurisdiction in which the employer is located. The panel may subpoena witnesses, and a written transcript of the hearings shall be required. Upon completion of the hearings the panel shall, by majority decision, make written findings of fact and recommendations for solution of the dispute. The panel shall cause all of its written findings, recommendations and opinions to be served on the employer and labor organization parties and same shall be released to the public.

(5) The Commissioner may adopt, promulgate, amend and rescind such rules and regulations as he deems necessary and administratively feasible not inconsistent with the provisions of this Act to carry out his responsibilities over the fact finding procedures set forth in this Section. However, unless the parties agree to extend the time for the hearings, they must be completed with recommendations from the fact finding panel, within 120 days from the date the petition to initiate the fact finding procedure was received by the Commissioner.

(6) During the entire course of proceedings under this Section the labor organization party to the deadlocked negotiation shall not engage in any form of strike, work stoppage or slowdown of work and the employer party shall not lock out any of its employes.

Committee Amendment to **HB 264** is as follows:

Amend printed copy of House Bill 264 on page 2, line 10, by:

deleting the period after the word "employer" and adding the following:

", except superintendents, supervisors, principals, teachers, officers and employes in the public school service in the Commonwealth of Kentucky."

**HB 30,** AN ACT relating to Workmen's Compensation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 342.185 is amended to read:

No proceeding under this chapter for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof and unless a claim for compensation with respect to such injury shall have been made within one year after the date of the accident, or in case of death, within one year after such death, whether or not a claim has been made by the employe himself for compensation. Such notice and such claim may be given or made by any person claiming to be entitled to compensation or by some one in his behalf. If payments of compensation as such *or medical payments* have been made voluntarily the making of a claim within such period shall not be required, but shall become requisite following the suspension of such voluntary payments.

The Committee on Labor and Industry reported **HB 277** with the expression of opinion that the same should not pass.

The Committee on Business Organizations and Professions reported **HB 287,** with Committee Substitute attached thereto, with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 287,** AN ACT relating to the practice of barbering.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 317.410 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "A barber" is any person who engages in the practice of "barbering" for the public generally or for consideration;

(2) "Barbering" is the practice upon the human neck and head, principally of shaving or trimming the beard or cutting the hair but includes also:

(a) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(b) Singeing, shampooing, pressing, arranging, dressing, *hair-styling* or dyeing the hair or applying hair tonics;

(c) Applying to the neck or head cosmetics, lotions, powders, oils, clays or other preparations;

(3) A "cosmetologist" is a person who engages in the practice of "cosmetology" for the public generally or for consideration, regardless of the name under which the practice is conducted;

(4) The practice of "cosmetology" is the practice upon the human neck and head, principally of the human female, of cutting hair, permanent waving, hairdressing, marcelling but may also include:

(a) Manicuring, finger waving;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics;

(d) Applying to neck or head cosmetics, lotions, powders, oils, clays or other preparations;

(5) "Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration;

(6) "Beauty shop" is an establishment of whatsoever kind in which the practice of "cosmetology" is conducted for the general public or for consideration;

(7) "Manicurist" is a person who engages only in the practice of cutting, trimming, polishing, coloring, cleansing, or manicuring the nails or massaging, cleaning, treating or beautifying the hands of any human, for which a license is required by this chapter;

(8) "Board" means the Kentucky Board of Barbering or the Kentucky Board of Hairdressers and Cosmetologists, which ever meaning is indicated or required by the context;

(9) "Barber school" or "school of barbering" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of barbering;

(10) "Cosmetology school" or "school of cosmetology" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of cosmetology;

(11) "Barber board" means The Kentucky Board of Barbering;

(12) "Cosmetologist board" means the Kentucky Board of Hairdressers and Cosmetologists.

Section 2. KRS 317.430 is amended to read:

(1) There is hereby created an independent agency of the State Government to be known as The Kentucky Board of Barbering, which shall have complete supervision over the administration of the provisions of this chapter relating to barbers, barbering, barbershops, barber schools, the teaching of barbering and barber apprenticeship.

(2) The Kentucky Board of Barbering hereinafter referred to as the barber board or board shall be composed of three members who are barbers licensed to practice barbering in this state, *with at least five years of licensed practice,* appointed by the Governor. One member shall be *an employer barber who is a*

*licensed barber by the board, a second and different member shall be an employe barber who is licensed by the board, a third and different member shall be an independent barber appointed by the Governor, and can be either an employer or an employe barber.* [a master barber who is a member of a nationally recognized professional organization of master barbers and who is not otherwise a member of a union of barbers, a second and different member shall be a barber who is a member of an organized labor union of labors, a third and different member shall be a barber who is not a member of a union or labor organization of barbers. At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.]

(3) On July 1, 1960, the Governor shall appoint three persons to the barber board, one of whom shall serve a term of one year, another a term of two years, and another a term of three years, the term of each appointee to be determined by lot. Thereafter, upon expiration of the term of any member, the appointment shall be for a term of two years.

(4) The Governor shall not remove any member of the barber board except for cause.

(5) The barber board shall elect from its members one to serve as chairman, one to serve as vice-chairman, and a third to serve as secretary.

(6) Two members shall constitute a quorum for the transaction of business.

(7) In addition to the other qualifications specified in this section, members of the barber board shall be at least 23 years of age, citizens of the United States, residents of Kentucky and must have engaged in the practice of barbering in this state for a period of at least five years.

(8) No member of the barber board shall be financially interested in, or have any financial connection with any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering, cosmetology or manicuring for monetary considerations.

(9) Each member of the barber board shall receive a compensation of *$30* [$25] per day for each day of attendance at meeting of the board, and shall be reimbursed for necessary traveling expenses.

(10) The board shall hold such meetings at such place in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 3. KRS 317.440 is amended to read:

(1) To protect the health and safety of the public or to protect the public against misrepresentation, deceit or fraud in the practice or teaching of barbering, the barber board shall prescribe reasonable rules and regulations.

(a)Governing the location and housing of barber shops or schools *and governing the number of licenses for schools in the state. To this end the board may make reasonable divisions and subdivisions of the state;*

(b) Governing the quantity and quality of equipment, supplies, materials, records and furnishings required in barber shops or schools;

(c) Governing the training and supervision of barber apprentices;

(d) Governing the qualifications of teachers of barbering;

(e) Governing the hours and courses of instruction at barber schools;

(f) Governing the examinations of applicants for barber, apprentice barber or teacher of barbering.

(2) Regulations pertaining to health and sanitation shall be approved by the Kentucky State Board of Health before becoming effective.

Section 4. KRS 317.450 is amended to read as follows:

(1) The barber board shall issue a license to practice barbering to any person who:

(a) Is at least eighteen years of age;

(b) Is of good moral character and temperate habit;

(c) Has acted as a licensed apprentice for at least eighteen months under *constant* [the immediate] supervision of a licensed barber;

(d) Has satisfactorily passed the examination prescribed by the barber board;

(e) Has paid a fee of *twenty* [fifteen] dollars; *and*

*(f) Has the same qualifications as an apprentice applicant referred to in subsection (2).*

(2) The barber board shall issue a license to act as apprentice to a barber to any person who:

(a) Is is least *eighteen* [16½] years of age;

(b) Is of good moral character and temperate habit;

(c) Has at least four years of high school education;

(d) Has graduated from an accredited or licensed school of barbering;

(e) Has satisfactorily passed the examination prescribed by the barber board; and

(f) Has paid a fee of *twenty* [five] dollars.

(3) The barber board shall issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application of such barber accompanied by a fee of *twenty-five* [three] dollars provided that the barber board shall refuse to issue such a license upon a failure to comply with the provisions of this chapter or the rules and regulations of the board adopted pursuant thereto.

(4) The barber board *may* [shall] issue a license to operate a school of barbering to any person, firm or corporation who or which:

(a) Applies therefor upon form furnished by the board;

(b) Has the equipment and facilities which may be required by rules and regulations of the board adopted pursuant to this chapter;

(c) Furnished any evidence deemed necessary by the board in the exercise of a sound discretion that it is the purpose

of the applicant to establish a bona fide school for the education and training of competent barbers and can and will employ a sufficient number of licensed teachers of barbering to conduct such school;

(d) Pays a fee of *one hundred* [fifty] dollars.

(5) The barber board shall issue a license to teach barbering to any person who:

(a) Is of good moral character and temperate habit;

(b) Has a high school education and at least two years of college;

(c) Has been a licensed and practicing barber for at least *five years* [thirty-six months];

(d) Has satisfactorily passed the examination prescribed by the board; and

(e) Has paid a fee of *fifteen* [ten] dollars.

(6) Applications for examinations required in this section shall be accompanied by an examining fee as follows:

(a) Barber—fifteen dollars;

(b) Apprentice to a barber—*fifteen* [ten] dollars;

(c) Teaching barbering—twenty-five dollars.

(7) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within thirty-one days after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this chapter and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant for renewal is in compliance with the provisions of this chapter and the rules and regulations of the board adopted pursuant thereto.

(8) The annual renewal license fee for each type of license renewal shall be as follows:

(a) Barber—*eight* [five] dollars;

(b) Apprentice to barber—*eight* [five] dollars;

(c) Teacher of barbering—*fifteen* [ten] dollars;

(d) Barber shop—*six* [three] dollars;

(e) Barber school—*fifty* [twenty-five] dollars.

(9) Except as provided in subsection (7) of this section, the fee for the renewal of an expired license, where the period of expiration does not exceed *three* [five] years, shall be as follows:

(a) Barber—*fifty* [twenty-five] dollars;

(b) Apprentice—*fifty* [twenty-five] dollars;

(c) Barber shop—*twenty-five* [three] dollars;

(d) Barber school—*one hundred* [fifty] dollars;

(e) Teacher of barbering—fifty dollars.

Section 5. KRS 317.470 is amended to read as follows:

(1) The barber board may employ such personnel as may be reasonably necessary to carry out the provisions of this chapter, whose compensation shall be established by the Department of Personnel. The board shall by appropriate order employ an administrator who *is a licensed barber and* shall be charged with responsibility of administering the provisions of this chapter, and the policies of the board relating to barbering. The administrator may receive a salary of $7,500 per annum, or such compensation as may be established by classification of the position by the Department of Personnel.

(2) The barber board shall prescribe the duties of such personnel employed by it.

(3) The barber board shall publish and distribute copies of its rules and regulations and revisions thereof to all persons licensed by it and to such other persons, places or agencies as may be required by law or deemed by it reasonably necessary in the administration of the provisions of this chapter, but such publications shall be clearly stamped, marked or printed "Informational Copy."

*(4) (a) No executive director, administrator, or member of the barber board, shall be financially interested in or have any financial connection with a barber school.*

*(b) No member of the barber board, executive director, administrator or anyone employed by the board can take the examination for instructor's license.*

*(5) Barber shops may advertise in any manner deemed desirable. However, prices shall not be quoted. Prices may be posted, but in such a place and in such manner as not to be seen from outside the shop.*

*(6) Any person who has taken any examination given by the barber board must purchase his license within a period of one year, or retake the examination and pay the required fee, except when in military service. A barber must renew or pick up his license within six months of discharge from military service. Any licensed barber who does not work in the trade for a period of three years or longer shall automatically lose his license and may be required to take the examination for licensing again.*

*(7) The barber board shall impose rules and regulations to effect adequate and proper inspection of barber shops and barber schools.*

Committee Substitute to **HB 287** is as follows:

**Committee Substitute HB 287,** AN ACT relating to the practice of barbering.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 317.410 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "A barber" is any person who engages in the practice of "barbering" for the public generally or for consideration;

(2) "Barbering" is the practice upon the human neck and head, principally of shaving or trimming the beard or cutting the hair but includes also;

(a) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(b) Singeing, shampooing, pressing, arranging, dressing, *hair-styling* or dyeing the hair or applying hair tonics;

(c) Applying to the neck or head cosmetics, lotions, powders, oils, clays or other preparations;

(3) A "cosmetologist" is a person who engages in the practice of "cosmetology" for the public generally or for consideration, regardless of the name under which the practice is conducted;

(4) The practice of "cosmetology" is the practice upon the human neck and head, principally of the human female, of cutting hair, permanent waving, hairdressing, marcelling but may also include:

(a) Manicuring, finger waving;

(b) Giving facial and scalp massage or treatments with oils, creams, lotions or other preparations, either by hand or any contrivance;

(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics;

(d) Applying to neck or head cosmetics, lotions, powders, oils, clays or other preparations;

(5) "Barber shop" is any establishment of whatsoever kind in which the practice of "barbering" is conducted for the general public or for consideration;

(6) "Beauty shop" is an establishment of whatsoever kind in which the practice of "cosmetology" is conducted for the general public or for consideration;

(7) "Manicurist" is a person who engages only in the practice of cutting, trimming, polishing, coloring, cleansing, or manicuring the nails or massaging, cleaning, treating or beautifying the hands of any human, for which a license is required by this chapter;

(8) "Board" means the Kentucky Board of Barbering or

the Kentucky Board of Hairdressers and Cosmetologists, whichever meaning is indicated or required by the context;

(9) "Barber school" or "school of barbering" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of barbering;

(10) "Cosmetology school" or "school of cosmetology" means an operation, place or establishment of whatsoever kind or form in or through which persons are trained or taught the practice of cosmetology;

(11) "Barber board" means The Kentucky Board of Barbering;

(12) "Cosmetologist board" means the Kentucky Board of Hairdressers and Cosmetologists.

Section 2. KRS 317.430 is amended to read:

(1) There is hereby created an independent agency of the State government to be known as The Kentucky Board of Barbering, which shall have complete supervision over the administration of the provisions of this chapter relating to barbers, barbering, barbershops, barber schools, the teaching of barbering and barber apprenticeship.

(2) The Kentucky Board of Barbering hereinafter referred to as the barber board or board shall be composed of three members who are barbers licensed to practice barbering in this state, *with at least five years of licensed practice,* appointed by the Governor. One member shall be a master barber who is a member of a nationally recognized professional organization of master barbers and who is not otherwise a member of a union of barbers, a second and different member shall be a barber who is a member of an organized labor union of barbers, a third and different member shall be a barber who is not a member of a union or labor organization of barbers. At all times in the filling of vacancies of membership on the barber board, this balance of representation shall be maintained.

(3) On July 1, 1960, the Governor shall appoint three persons to the barber board, one of whom shall serve a term of one

year, another a term of two years, and another a term of three years, the term of each appointee to be determined by lot. Thereafter, upon expiration of the term of any member, the appointment shall be for a term of two years.

(4) The Governor shall not remove any member of the barber board except for cause.

(5) The barber board shall elect from its members one to serve as chairman, one to serve as vice-chairman, and a third to serve as secretary.

(6) Two members shall constitute a quorum for the transaction of business.

(7) In addition to the other qualifications specified in this section, members of the barber board shall be at least 23 years of age, citizens of the United States, residents of Kentucky and must have engaged in the practice of barbering in this state for a period of at least five years.

(8) No member of the barber board shall be financially interested in, or have any financial connection with any barber or cosmetology school, wholesale cosmetic or barber supply or equipment business, nor shall any member of the barber board teach barbering, cosmetology or manicuring for monetary considerations.

(9) Each member of the barber board shall receive a compensation of *$30* [$25] per day for each day of attendance at meeting of the board, and shall be reimbursed for necessary traveling expenses.

(10) The board shall hold such meetings at such place in the state and at such times as are deemed necessary by the board to discharge its duties.

Section 3. KRS 317.440 is amended to read:

(1) To protect the health and safety of the public or to protect the public against misrepresentation, deceit or fraud in the practice or teaching of barbering, the barber board shall prescribe reasonable rules and regulations;

(a) Governing the location and housing of barber shops or schools *and governing the number of licenses for schools in the state. To this end the board may make reasonable divisions and subdivisions of the state;*

(b) Governing the quantity and quality of equipment, supplies, materials, records and furnishings required in barber shops or schools;

(c) Governing the training and supervision of barber apprentices;

(d) Governing the qualifications of teachers of barbering;

(e) Governing the hours and courses of instruction at barber schools;

(f) Governing the examinations of applicants for barber, apprentice barber or teacher of barbering.

(2) Regulations pertaining to health and sanitation shall be approved by the Kentucky State Board of Health before becoming effective.

Section 4. KRS 317.450 is amended to read as follows:

(1) The barber board shall issue a license to practice barbering to any person who:

(a) Is at least eighteen years of age;

(b) Is of good moral character and temperate habit;

(c) Has acted as a licensed apprentice for at least eighteen months under *constant* [the immediate] supervision of a licensed barber;

(d) Has satisfactorily passed the examination prescribed by the barber board;

(e) Has paid a fee of *twenty* [fifteen] dollars; *and*

*(f) Has the same qualifications as an apprentice applicant referred to in subsection (2).*

(2) The barber board shall issue a license to act as apprentice to a barber to any person who:

(a) Is at least *eighteen* [16½] years of age;

(b) Is of good moral character and temperate habit;

(c) Has at least *two* [four] years of high school education.

(d) Has graduated from an accredited or licensed school of barbering;

(e) Has satisfactorily passed the examination prescribed by the barber board; and

(f) Has paid a fee of *twenty* [five] dollars.

(3) The barber board shall issue a license to operate a barber shop to any barber licensed under the provisions of this chapter upon application of such barber accompanied by a fee of *twenty-five* [three] dollars provided that the barber board shall refuse to issue such a license upon a failure to comply with the provisions of this chapter or the rules and regulations of the board adopted pursuant thereto.

(4) The barber board *may* [shall] issue a license to operate a school of barbering to any person, firm or corporation who or which:

(a) Applies therefor upon form furnished by the board;

(b) Has the equipment and facilities which may be required by rules and regulations of the board adopted pursuant to this chapter;

(c) Furnished any evidence deemed necessary by the board in the exercise of a sound discretion that it is the purpose of the applicant to establish a bona fide school for the education and training of competent barbers and can and will employ a sufficient number of licensed teachers of barbering to conduct such school;

(d) Pays a fee of *one hundred* [fifty] dollars.

(5) The barber board shall issue a license to teach barbering to any person who:

(a) Is of good moral character and temperate habit;

[(b) Has a high school education and at least two years of college;]

*(b)* [(c)] Has been a licensed and practicing barber for at least *five years* [thirty-six months];

*(c)* [(d)] Has satisfactorily passed the examination prescribed by the board; and

*(d)* [(e)] Has paid a fee of *fifteen* [ten] dollars.

(6) Applications for examinations required in this section shall be accompanied by an examining fee as follows:

(a) Barber–fifteen dollars;

(b) Apprentice to a barber–*fifteen* [ten] dollars;

(c) Teaching barbering–twenty-five dollars.

(7) Licenses issued pursuant to this section shall expire on the first day of July next following the date of their issuance but the board shall renew any license so expiring at no increased renewal fee if the required annual renewal license fee is paid within thirty-one days after the expiration of such license, provided that the applicant for a renewal is otherwise in compliance with this chapter and the rules and regulations of the board adopted pursuant thereto. Any license shall automatically be renewed by the board upon receipt of the required annual license fee prior to the expiration date of such license, provided the applicant for renewal is in compliance with the provisions of this chapter and the rules and regulations of the board adopted pursuant thereto.

(8) The annual renewal license fee for each type of license renewal shall be as follows:

(a) Barber–*eight* [five] dollars;

(b) Apprentice to barber–*eight* [five] dollars;

(c) Teacher of barbering–*fifteen* [ten] dollars;

(d) Barber shop–*six* [three] dollars;

(e) Barber school–*fifty* [twenty-five] dollars.

(9) Except as provided in subsection (7) of this section, the fee for the renewal of an expired license, where the period of expiration does not exceed *three* [five] years, shall be as follows:

(a) Barber–*fifty* [twenty-five] dollars;

(b) Apprentice–*fifty* [twenty-five] dollars;

(c) Barber shop—*twenty-five* [three] dollars;

(d) Barber school—*one hundred* [fifty] dollars;

(e) Teacher of barbering—fifty dollars.

Section 5. KRS 317.470 is amended to read as follows:

(1) The barber board may employ such personnel as may be reasonably necessary to carry out the provisions of this chapter, whose compensation shall be established by the Department of Personnel. The board shall by appropriate order employ an administrator who *is a licensed barber and* shall be charged with responsibility of administering the provisions of this chapter, and the policies of the board relating to barbering. The administrator may receive a salary of $7,500 per annum, or such compensation as may be established by classification of the position by the Department of Personnel.

(2) The barber board shall prescribe the duties of such personnel employed by it.

(3) The barber board shall publish and distribute copies of its rules and regulations and revisions thereof to all persons licensed by it and to such other persons, places or agencies as may be required by law or deemed by it reasonably necessary in the administration of the provisions of this chapter, but such publications shall be clearly stamped, marked or printed "Informational Copy."

*(4) (a) No executive director, administrator, or member of the barber board, shall be financially interested in or have any financial connection with a barber school.*

*(b) No member of the barber board, executive director, administrator or anyone employed by the board can take the examination for instructor's license.*

*(5) Barber shops may advertise in any manner deemed desirable. However, prices shall not be quoted. Prices may be posted, but in such a place and in such manner as not to be seen from outside the shop.*

*(6) Any person who has taken any examination given by the barber board must purchase his license within a period of one*

*year, or retake the examination and pay the required fee, except when in military service. A barber must renew or pick up his license within six months of discharge from military service. Any licensed barber who does not work in the trade for a period of three years or longer shall automatically lose his license and may be required to take the examination for licensing again.*

*(7) The barber board shall impose rules and regulations to effect adequate and proper inspection of barber shops and barber schools.*

The Committee on Health and Welfare reported **HB 225, HB 336** with Committee Amendment attached thereto, **HB 402, HB 408,** and **HB 420** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

**HB 225,** AN ACT relating to public assistance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

A new section of KRS Chapter 205 is created to read as follows:

In any program of assistance for a person with whom a needy child lives in which grants are based on a standard of basic requirements, the amount of the grant shall not be reduced by reason of income earned from gainful employment by the person with whom the needy child lives unless the total received by the person from both employment and public assistance exceeds the standard; in this case, the amount of the grant may be reduced only by the amount by which the standard is exceeded.

**HB 336,** AN ACT relating to medical care.

*Be it enacted by the General Assembly by the Commonwealth of Kentucky:*

Section 1. KRS 205.540 is amended to read as follows:

(1) An Advisory Council for Medical Assistance shall be established in the state government. The council shall consist of *thirteen* [eleven] members. The Commissioner of Health and

the Commissioner of the Department of Economic Security shall be ex officio members. The other *eleven* [nine] members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1960, shall be as follows: Two members shall be appointed for one year, two for two years, two for three years, and three for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four years or until his successor is appointed and qualified. Appointments shall be made one from each list of three nominees submitted by the following organizations: the Kentucky State Medical Association; the Kentucky Dental Association; the Kentucky Hospital Association; the Kentucky Pharmaceutical Association; *the Kentucky Association of Nursing Homes and Personal Care Homes;* and the Kentucky State Association of Registered Nurses. The other *five* [four] appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments. No nominee or member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in carrying out his duties.

(3) Vacancies shall be filled for the unexpired term in the same manner as original appointments, maintaining original representations.

(4) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and shall adopt rules governing its proceedings. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired.

Section 2. KRS 216.460 is amended to read as follows:

(1) The Governor shall appoint a Hospital Council consisting of *fifteen* [ten] members as herein provided:

(a) Five physicians who are duly licensed and who are in active practice, one of whom shall be the Commissioner of Health by virtue of his office who shall serve as chairman of the Hospital Council. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Medical Association.

(b) Five hospital administrators who are actively engaged in the field of hospital administration. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Hospital Association.

*(c) Five nursing home administrators who are actively engaged in the field of nursing home administration. The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky Association of Nursing Homes and Personal Care Homes.*

(2) All members shall serve for a term of three years except that the original appointments shall be made so that the terms of three members are for one year, three for two years, and four for three years. Members whose terms expire shall hold office until the appointment of their successors. In the event of a vacancy occurring before the expiration of a member's term, the appointment shall be for the unexpired term.

(3) The Council shall meet at least once each year and shall meet additionally upon the call of the chairman or at the request of any four members. Members of the Hospital Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expense incurred in performance of their duties.

(4) The function of the Hospital Council shall be to approve all rules and regulations established by the licensing agency, to act in an advisory capacity to the licensing agency with respect to hospitals and the administration and enforcement of KRS 216.400 to 216.500 and 216.990(2), and to make available to the licensing agency information, data and material in its possession

together with its views, suggestions and recommendations, on various matters from time to time.

Section 3. KRS 216.610 is amended to read as follows:

The following words and phrases when used in KRS 216.610 to 216.700 shall have the meanings respectively ascribed to them in this section.

(1) "Administrator" means the owner, lessee, manager, agent or the person in charge of a home for the aged or infirm.

(2) "Aged" means a person 65 years of age or over.

(3) "Commissioner" means the Commissioner of the Department of Economic Security.

(4) "Department" means the Department of Economic Security.

(5) "Home for the aged or infirm" means any privately operated establishment, however named, which is used or offered for use, whether for a consideration or not, in the care of *three* [four] or more aged or infirm persons, not related to the operator within the third degree of consanguinity. As used in KRS 216.610 to 216.700, the term "Home for the aged or infirm" shall not include a nursing home licensed by the Hospital Licensure Division, Kentucky State Board of Health under KRS 216.400 to 216.500.

(6) "Infirm person" means any adult person materially lacking in bodily or mental strength.

(7) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association and the legal successor thereof.

Committee Amendment to **HB 336** is as follows:

Amend printed copy of House Bill 336, by:

On pages 4 and 5, lines 11 to 28 and 1 to 7, respectively, by deleting all those lines.

**HB 402,** AN ACT relating to youth corrections.

*Be it enacted by the General Assembly by the Commonwealth of Kentucky:*

Section 1. As used in this Act:

(1) "Division" means the Division of Probation and Parole of the Department of Corrections;

(2) "Director" means the Director of the Division of Probation and Parole;

(3) "Youth Offender" means a person over eighteen but under the age of twenty-two years at the time of conviction;

(4) "Treatment" means corrective and preventive guidance designed to protect the public by correcting the antisocial tendencies of youth offenders.

Section 2. Upon the conviction of a youth offender, the circuit court, county court, quarterly court, justices court, or police court in which he was convicted may postpone the entering of a judgment and the imposing of a sentence and place the youth offender on probation under the supervision of the division.

Section 3. The director shall appoint such supervisory and other officers and employes as may be necessary to carry out the purposes of this Act. Probation officers employed by the division shall perform such duties with respect to youth offenders under active supervision as the director shall direct.

Section 4. The division shall adopt and promulgate rules governing its own procedure with regard to youth corrections.

Section 5. Before any court may probate any youth offender under the provisions of this Act, the court shall order a probation officer of the division to make a complete study of the youth offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of thirty days. The officer shall promptly forward to the court a report of his findings and recommendations for treatment of the youth offender.

Section 6. (1) When the court finds that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this Act, the court may, in lieu of the penalty of imprisonment otherwise provided by law, place the youth offender in the custody of the Division of Probation and Parole for treatment and supervision pursuant to this Act until released from supervision by the division as provided in Section 9 (3) of this Act.

(2) When the court finds that the youth offender may not be able to derive maximum benefit from treatment by the division prior to the expiration of six years from the date of conviction it may, in lieu of the penalty of imprisonment otherwise provided by law, place the youth offender in the custody of the division for treatment and supervision pursuant to this Act for any further period that may be authorized by law for the offense or offenses of which he stands convicted or until released from supervision by the division as provided in Section 9 (4) of this Act.

(3) If the court finds that the youth offender will not derive benefit from treatment under subsection (1) or (2), then the court may sentence the youth offender under any other applicable penalty provision.

Section 7. The director shall cause periodic examinations and reexaminations to be made of all youth offenders under the supervision of the division. Probation officers shall report to the director respecting youth offenders under their supervision as the director shall direct.

Section 8. The division may revoke or modify any of its previous orders respecting a youth offender except an order of release from supervision.

Section 9. (1) The division may at any time remove a youth offender under its supervision from active supervision and place him under inactive supervision.

(2) The division may release from supervision a youth offender at the expiration of one year from the date the youth offender was placed under inactive supervision.

(3) A youth offender placed under the supervision of the division under Section 6 (1) of this Act shall be placed under inactive supervision on or before the expiration of four years from the date of his conviction and shall be released from supervision on or before six years from the date of his conviction.

(4) A youth offender placed under the supervision of the division under Section 6 (2) shall be placed under inactive supervision not later than two years before the expiration of the term imposed by the court. He may be released from supervision at the expiration of not less than one year from the date the youth offender was placed under inactive supervision. He shall be released from supervision on or before the expiration of the maximum sentence imposed, computed uninterruptedly from the date of conviction.

Section 10. If, at any time before the release from supervision of a committed youth offender, the division is of the opinion that youth offender will be benefited by further treatment in an institution or other facility any member of the division may direct his return to custody or if necessary may issue a warrant for the apprehension of the youth offender and cause the warrant to be executed by a probation officer or any law enforcement officer of the Commonwealth or any of its subdivisions. Upon return to custody, such youth offender shall be given an opportunity to appear before the division or a member thereof. The division may then or at its discretion revoke the order of conditional release.

Section 11. The division may revoke or modify any of its previous orders respecting a youth offender except an order of release from supervision or one that the division is required by law to issue.

Section 12. Upon the release from supervision by the Division of Probation and Parole, the court shall dismiss the original charges. No action for false arrest, false imprisonment, or malicious prosecution shall be brought against any person as a result of proceedings carried out under the provisions of this Act after the original charges have been dismissed as provided by this section.

Section 13. This Act shall not apply to any offense committed before its enactment.

Section 14. (1) Nothing in this Act shall limit or affect the power of any court to suspend the imposition or execution of any sentence and place a youth offender on probation or be construed in any wise to amend, repeal, or affect the provisions of KRS Chapter 439 relative to probation.

(2) Nothing in this Act shall be construed in any wise to amend, repeal, or affect the provisions of KRS Chapter 208.

**HB 408,** AN ACT relating to the procurement, processing, distribution or other use of human blood, plasma, blood products, blood derivatives and other tissues.

*Be it enacted by the General Assembly by the Commonwealth of Kentucky:*

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The procurement, processing, distribution or use of whole blood, plasma, blood products, blood derivatives and other human tissues such as corneas, bones or organs for the purpose of injecting, transfusing or transplanting any of them into the human body is declared to me, for all purposes, the rendition of a service by every person participating therein and, whether or not any remuneration is paid therefor, is declared not to be a sale of such whole blood, plasma, blood products, blood derivatives or other tissues, for any purpose, subsequent to enactment of this section.

**HB 420,** AN ACT relating to immunizations and disease control.

*Be it enacted by the General Assembly by the Commonwealth of Kentucky:*

Section 1. Section 214.032 of the Kentucky Revised Statutes is amended to read as follows:

As used in *this Act* [KRS 214.034 and 214.036] the term "child" means a person under eighteen years of age.

Section 2. Section 214.034 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided in *Section 4 of this Act,* [KRS 214.036] all parents, guardians, and other persons having care, custody or control of any child shall have the child immunized against diphtheria, tetanus, poliomyelitis, [and] pertussis, *measles and smallpox* [within twelve months after birth] *in accordance with immunization schedules established by regulations of the State Board of Health.* Such persons shall also have booster immunizations administered to the child in accordance with the regulations of the State Board of Health.

Section 3. Section 158.035 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided in *Section 4 of this Act,* [KRS 214.036] no child shall be eligible to enroll as a student in any public or private elementary or secondary school without first presenting a certificate from a duly licensed medical or osteopathic physician stating that the child has been immunized against diphtheria, tetanus, [and] poliomyelitis, *measles and smallpox* in accordance with the provisions of *this Act* [KRS 214.034] and the regulations of the State Board of Health. The governing body of private and public schools shall enforce the provisions of this section.

Section 4. Section 214.036 of the Kentucky Revised Statutes is amended to read as follows:

Nothing contained in *this Act* [KRS 158.035 or 214.032 to 214.036] shall be construed to require the immunization of any child at a time when, in the written opinion of his attending physician, such immunization would be injurious to the child's health. Nor shall *this Act* [KRS 214.034] be construed to require the immunization of any child whose parents are members of a nationally recognized and established church or religious denomination, the teachings of which are opposed to medical immunization against disease, and who object in writing to the immunization of such child on that ground. Provided, however, that in the event of an epidemic in a given area, the State Board

of Health may, by emergency regulation, require the immunization of all persons within the area of epidemic, against the disease responsible for such epidemic.

Section 5. Section 214.010 of the Kentucky Revised Statutes is amended to read as follows:

Every physician shall report all [epidemic and communicable] diseases *designated by regulation of the State Board of Health as reportable which are* under his special treatment to the local board of health of his county, and every head of a family shall report any of said diseases, when known by him to exist in his family, to the local board or to some member thereof [within twenty-four hours from his knowledge of the existence of the disease] *in accordance with the regulations of the State Board of Health.*

Section 6. Section 214.020 of the Kentucky Revised Statutes is amended to read as follows:

[(1)] When the State Board of Health believes that there is a probability that any infectious or contagious disease will invade this state, it shall take such action and adopt and enforce such rules and regulations as it deems efficient in preventing the introduction or spread of such infectious or contagious disease or diseases within this state, and to accomplish these objects shall establish and strictly maintain quarantine *and isolation* at such places as it deems proper.

[(2) The State Board of Health may establish quarantine ground in some suitable place and establish the quarantine to be observed in the locality; cause to be erected temporary buildings or hospitals necessary for the medical treatment of any person who may be kept in quarantine and affected with contagious or infectious disease, and cause the inspection or disenfection of travelers' baggage, merchandise, and articles in transit through such quarantine grounds or stations; enforce inspection of persons and articles at such stations or grounds, as well as the purification of persons, baggage and articles, and require the transportation of passengers from such quarantine station; and assign the charge and control of such quarantine station to a competent

physician and his necessary assistants or employes, who shall receive such compensation as the board may fix as the value of their services.]

[(3) In the counties bordering on the state boundary lines, the local boards of health may declare and maintain quarantine in the county, or in any particular place therein, against the introduction of any contagious or infectious disease prevailing in any other state or county. When such quarantine is established, the local board declaring the quarantine shall, through it presiding or chief officer, give the State Board of Health written notice of the quarantine and of its extent. The State Board of Health shall, as early as practicable, by its sanitary or executive committee, ascertain the necessity for the quarantine, and shall either approve and enforce the quarantine or declare it raised.]

[(4) When the State Board of Health and its agents and employes, or the local boards of health acting under the direction and regulations of the state board, have reasonable ground to believe that any watercraft navigating the Mississippi or Ohio Rivers or any of their tributaries is infected with any epidemic or infectious disease, they may prevent the landing of the craft at any point or place on the Kentucky shore. When they have reasonable grounds to believe any railway train, coach or other vehicle contains persons or articles infected with epidemic or infectious diseases, they may detain the train, coach or vehicle at any station or point on such railway or road for a time sufficient to disinfect or purify it.]

[(5) When quarantine has been established pursuant to subsection (4) of this section no railway conductor, driver or person in charge of any coach or vehicle shall willfully avoid or prevent the inspection or purification of the coaches or vehicles under his charge or control.]

Section 7. Section 214.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every head of a family who willfully fails or refuses and every physician who fails or refuses to comply with KRS 214.010 shall be fined not less than ten dollars nor more than one hundred dollars for each day he neglects or refuses to report. Re-

peated failure to report is sufficient cause for the revocation of a physician's certificate to practice medicine in this state.

(2) Any owner or person having charge of any public or private conveyance, including watercraft, who refuses to obey the rules and regulations made by the State Board of Health under [subsections (1) and (2) of] KRS 214.020 shall, for each offense, be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than ten nor more than sixty days, or both.

[(3) Any person who violates any of the provisions of subsection (5) of KRS 214.020 shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned not less than ten nor more than sixty days, or both.]

[(4) Any person who fails or refuses to comply with any of the provisions of KRS 214.040 to 214.060 shall be fined not less than five dollars nor more than twenty dollars for each failure or refusal.]

[(5) Any justice of the peace, member of a city legislative body, physician, or superintendent of a charitable or correctional institution who fails or refuses to perform the duties required of him by KRS 214.070 to 214.090 shall be fined not less than twenty dollars nor more than fifty dollars for each failure or refusal.]

[(6) Any person who violates any of the provisions of KRS 214.110 shall be fined ten dollars.]

[(7) Any person who fails to comply with any of the provisions of subsection (1) and (2) of KRS 214.150 shall be fined not more than one hundred dollars.]

[(8) Persistent failure or refusal of any physician, midwife or nurse to comply with any of the provisions of KRS 214.150 constitutes proper grounds for the revocation of the right of such person to practice his profession.]

*(3)* [(9)] Any physician or other person legally permitted to engage in attendance upon a pregnant woman during pregnancy or at delivery who fails to exercise due diligence in

complying with KRS 214.160 to 214.180 shall be fined not less than five dollars nor more than ten dollars.

*(4)* [(10)] Any person who violates any of the provisions of KRS 214.190 to 214.270 shall be fined not less than one hundred dollars or imprisoned in the county jail for not more than ninety days, or both.

*(5)* [(11)] Any person who violates any of the provisions of KRS 214.280 to 214.310 shall be fined not less than twenty dollars nor more than one hundred dollars for each offense, or imprisoned in the county jail for not less than three months nor more than six months, or both.

[(12) Any officer of a city or other person who violates any of the provisions of KRS 214.320 shall be fined not less than five hundred dollars nor more than one thousand dollars, and be liable in damages to any person injured thereby; if willfully done, the injured person or his heirs or representatives may recover punitive damages.]

*(6)* [(13)] Any person who violates the provisions of KRS 214.350 shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both; provided, however, that if, in the opinion of the health officer suitable local facilities are available for the confinement of persons having communicable tuberculosis, such person so convicted shall be committed to said local facilities for the service of any imprisonment adjudged by the court, unless sooner released by the health officer, when, in his opinion, such person may be discharged without danger to the health of other persons.

*(7)* [(14)] Whenever, in the opinion of the health officer, suitable local facilities are not available for the confinement of persons having communicable tuberculosis, such person shall be committed to such facilities as may be established or contracted for by the State Department of Health for this purpose.

*(8)* [(15)] Any person who violates any provision of [KRS 214.034] *Section 2 or Section 3 of this Act* shall be fined not less than ten dollars nor more than one hundred dollars, or

imprisoned for not less than ten days nor more than sixty days, or both.

Section 8. Section 214.040, 214.050, 214.060, 214.070, 214.080, 214.090, 214.100, 214.110, 214.120, 214.130, 214.140, 214.150, and 214.320 are repealed.

The Committee on Health and Welfare reported **HB 183** without expression of opinion.

The Committee on Rules reported **HB 460, HB 494, HB 471** with Committee Amendment attached thereto, **HB 334** with Committee Amendment attached thereto, **HB 395, HB 477** with Committee Amendment attached thereto, **HB 147, HB 48** with Committee Substitute attached thereto, **HR 38, HR 54, HR 57, HR 64, HR 52, HR 69, HB 405, HB 479, HB 404, HB 101, HB 157, HB 451, HB 184** with Committee Amendment attached thereto, **HB 337, HB 341, SR 31, SR 29, SB 12, SB 180, SB 86, SB 225** with Committee Amendment attached thereto, with the expression of opinion that the same should pass.

## Senate Message

Announcing passage of **SB 70, SB 152, SB 197, SB 260, HB 226** and **HB 255.**

The Senate returned **SB 214** to the House and refused to concur in the House Substitute for said Bill. The Senate asked the House to recede from action.

Representative Morgan moved to notify the Senate that the House refused to recede from action on **SB 214.** Agreed.

The House Speaker appointed the following members to a Conference Committee to confer with a like Committee from the Senate in regard to **SB 214:** Representatives Morgan, Ball and Bleemel.

## Recess

Representative Morgan moved that the House recess for forty-five minutes. Agreed.

At the appointed hour, the Speaker resumed the Chair and called the House to order.

## Calendar

**SB 41, HB 470, HB 439, HB 409, HB 391, HB 300, HB 172, HB 80, SB 101, HB 387, SB 252, HB 191, HR 82, HB 484, HB 485, HB 480, SB 142, HB 331, HB 429, HB 431, HB 292, HB 468** and **HB 251** taken from the Calendar and ordered read at length for the second time. Representative Morgan moved that they be read by title only. Agreed by a majority of members elected. Ordered placed in Orders of the Day.

## Motions, Petitions, and Communications

Representative Allen moved that **HB 88** be taken from the Clerk's desk and placed upon its passage. Agreed.

Representative Allen moved the adoption of the following Amendment to **HB 88:**

Amend printed copy of House Bill 88 on page 1, line 7, by:

inserting after the word *"but"* the following:

*"is fifty-seven or more and"*

and on page 1, line 9, by removing the bracket and inserting in its place the following:

*"The retirement allowance of a member whose age at retirement is less than fifty-seven shall be"*

and on page 1, line 10, by removing the bracket.

Agreed.

Representative DeMarcus moved that **HB 88** be recommitted to the Committee on Education. Rejected.

On the roll call the vote was yeas 31—Akers, Allen, Ball, Blume, Blythe, Clark, Coffey, Curlin, Walter F. Davis, Halleck, Hardin, Hoffman, Holbrook, Hunt, Irick, James, Johnson, Justice, Kessinger, Louden, May, McBrayer, McKinney, McNamara, Morgan, Prather, Ray, Russell Reynolds, W. J. Reynolds, Rickert, Simmons, Tobin. Nays 33—Alexander, Arnett, Ballenger, Bamberger, Blandford, Bleemel, DeMarcus, Denham, Floyd, Greer,

Harper, Hoe, Hopkins, Huff, Isler, Keith Kidd, King, Lawson, Maddox, McGill, Mershon, R. L. Miller, Murphy, Peace, Pettit, Richey, Riddle, Russell, Sartin, Smith, Webster, Wooley.

**HB 88** as amended was defeated.

## Report on Enrolled Bills

The Committee on Enrollment reported **SB 19, SB 48, SB 81, SB 106, SB 123, SB 136, SB 22** and **SB 126** had been examined and found correctly enrolled. **SB 19, SB 48, SB 81, SB 106, SB 123, SB 136, SB 22** and **SB 126** read at length, compared, and signed in open session by the Speaker. Ordered delivered to the Senate.

**HB 132, HB 27, HB 193, HB 108, HB 44** and **HB 90** delivered, signed by President. Ordered delivered to the Governor.

Representative Morgan moved that the Rules be suspended for the Introduction of Bills and Resolutions. Agreed.

## Introduction of Bills and Resolutions

**HB 570,** by Representative Curlin: AN ACT relating to the compensation of physicians employed by the state.

**HB 571,** by Representative McNamara: AN ACT relating to federal forest reserve appropriations.

**HB 572,** by Representative Hinkle: AN ACT relating to education and the financing thereof.

**HB 573,** by Representative Hinkle: AN ACT relating to teacher education and certification.

**HB 574,** by Representative Allen: AN ACT relating to sick leave for teachers.

**HB 575,** by Representatives Ball and Hardin: AN ACT relating to insurance for state employees.

**HB 576,** by Representatives Murphy, Bamberger, Schmidt, Harper, King and Mershon: AN ACT relating to hospital districts.

**HB 577,** by Representative James: AN ACT relating to revenue and taxation.

Representative Clapp moved that the House adjourn until 1:00 p.m., Monday, March 4, 1968.

On the roll call the vote was yeas 50—Alexander, Arnett, Baker, Ball, Bamberger, Blandford, Bleemel, Bowles, Brown, Clapp, Clark, Coffey, Walter F. Davis, Dawhare, Denham, Floyd, Greer, Harper, Henry, Holbrook, Hopkins, Jones, Justice, Keene, Keith, Kessinger, Kidd, Maddox, McGill, McKinney, Melton, Clarence R. Miller, Mitchell, Murphy, Peace, Pettit, Russell Reynolds, W. J. Reynolds, Richey, Russell, Saylor, Simmons, Stuart, Vanover, Webster, Wells, Wesley, White, Wooley, Wright. Nays 26—Blume, Blythe, Cox, Curlin, J. A. Davis, Halleck, Hardin, Hoe, Hoffman, Huff, Hunt, Irick, Isler, King, Lawson, McBrayer, Mershon, R. L. Miller, Prather, Ray, Rickert, Riddle, Sartin, Siemens, Tobin, Wheeler.

The motion to adjourn was adopted.